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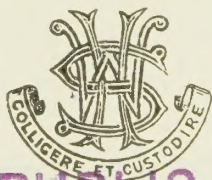


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JOURNAL <sup>AND</sup> TRANSACTIONS  
OF THE  
WENTWORTH  
HISTORICAL SOCIETY



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VOLUME FOUR

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## CORRIGENDA.

Page 11, line seventeen, read "Thomas Merritt" for "William Merrit."

Page 22, first line, read "descendant" for "descendent."

Page 25, between second and third lines insert the following: "of Hamilton was issued to Ann Morden. In 1798 Ann Morden"

Page 26, eighteenth line, read ceremony "are" for ceremony "is."

Page 29, sixth line from bottom, read "or admitted" for "and admitted."

Page 40, third line from bottom, read "Renfrewshire" for "Perthshire."

Page 45, in list of appointments to Twelfth Regiment, Gore, after name, of Capt. Elijah Secord, read "To be Captains: Capt. John Secord, Capt. Daniel Lewis."

Page 47, fifth line from bottom, read "Mrs." Bailey for "Mr." Bailey.

Page 65, ninth line, read "England" for "Scotland."

Page 92, line fifteen, "They" signifies Augustus Jones and Captain Joseph Brant.



## Introductory Remarks.

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Two years have elapsed since the Wentworth Historical Society last published a volume. During that period the Society has not been idle nor marking time, though it has marked some points of interest.

Mr. H. H. Robertson, the 1st Vice-President, has collected data regarding the government building which once stood at the southern end of Burlington Beach, commonly called the King's Head Inn, and which was burned by the United States forces in May, 1813. On July 23, 1903, the President and Vice-President, Rev. Canon Bull and a number of other members of the Society, accompanied by the Mayor of the city and members of the Bay Front Improvement Committee of the City Council, of which Mr. John M. Eastwood was chairman, paid a visit to the site of the King's Head Inn. With appropriate speeches a tablet was hung in the hotel which now stands very near the place where stood the old Government building. Following is a copy of the tablet, which was prepared by Mr. Robertson :

### **THE KING'S HEAD INN—1794.**

**Within a few paces of this spot the Government of Upper Canada erected in 1794 a building known as  
The King's Head Inn.**

In 1800 the following report on this building was made to the Government :

Extract from (MS. Public Library, Toronto) report to Peter Russell, on public property, in this Province, 1793 to 1799, by John McGill, Commissioner of Stores, dated July 11.

“Head of Lake Ontario.

“A large two-story frome house, with two wings.



“Intended for the line of communication between York and the western district, this house and appendages were ordered to be erected in 1794 at the time when a war between Great Britain and the United States of America was thought inevitable. Though the general idea entertained was that of its being chiefly built for the accommodation of travellers, this was but a secondary consideration; the principal one—provided the urgency of the King’s service had continued it necessary to have carried the whole plan into effect—being to make it a depot for stores and provisions, as well as a rendezvous for the militia and such other troops as it might have been found expedient to have stationed on the line of communication between York and Detroit and Niagara. This house, together with the stores, provisions and such boats as might have been found requisite for the transport of troops, provisions and stores, was to have been placed under the particular charge of a select officer and party of troops. It is now occupied by Mr. Bates, at a rent of \$1 per annum.”

Relations between Great Britain and the United States were strained in 1794. First, in January, 1793, Louis XVI., King of France, was guillotined, and France declared war against Great Britain.

England promulgated an order in June, 1793, that cargoes of breadstuffs consigned to France should be taken by her fleet to British ports, and after payment therefor and for carriage, the vessels discharged; and although this order was abrogated in November following, these measures, aggravated by the machinations of the French Minister to the United States (Genet), were the excuse for breaches of neutrality by the United States. Genet’s proceedings were characterized by Washington as “having a tendency to involve the States in a war abroad, and discord and anarchy at home. Through the determination of the high-minded Washington, at the cost of much popularity, Genet was recalled.

Secondly. The hold over by Britain of Oswego and Niagara, and other forts or western posts, as security for the payments of debts to British subjects under the treaty of 1783, was an aggravation in the United States, at a time when the spirit of repudiation was rife. Washington himself stated at this time “requisitions (from Government) are little better than a jest and a byword throughout the land.” In 1793 an army of 15,000 men was under arms in Western Pennsylvania, quelling a rebellion against the payment of taxes.

On March 27, 1794, resolutions were passed in Congress, that



all debts due British subjects be sequestered and paid into the treasury, as a fund to idemnify citizens of the United States for injury alleged, and that all intercourse with Great Britain be interdicted until she make compensation and surrender the western posts.

The army of General Wayne encamped near the site of Cincinnati, during the winter of 1793—ostensibly for the purpose of a campaign against the Indians—created apprehension, and a descent on the British post at Detroit was predicted.

Under these conditions Guy Carleton, Lord Dorchester, Governor General, directed Governor Simcoe, of the young province of Upper Canada, to establish certain military posts along the frontier, one of which was placed at the head of Lake Ontario, at this point, and two others on the Miami River, in Northwestern Ohio. Militia were called out for the defense of Detroit and the Niagara settlement. But Chief Justice Jay, of the United States, under Washington's directions, concluded a treaty with England, which was ratified by Congress in March, 1795, and brought to an end this period of alarm.

In 1812, when France had emerged from anarchy to a state of despotism under Napoleon, and made war on civilized Europe, she found an ally against England in the United States. War was declared by a small majority of Congress on June 16, and on May 10, 1813, a week after the capture and evacuation of York by the Americans—and while their fleet was at anchor off Niagara—two armed schooners anchored in Lake Ontario off this spot, and under cover of their guns 200 men were landed and the building destroyed by fire. The garrison, consisting of 63 officers and men, probably under Major Samuel Hatt, 5th Lincoln, taken in equal proportions from the Second York, Fourth and Fifth Lincoln Militia, were ordered back upon reinforcements, which, to quote General Vincent, "though quickly brought forward, were too late to chastise the marauding acts of an enemy, who precipitately retreated to avoid a contest."

This Memo. is placed here by The Wentworth Historical Society, 1902.

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In the matter of research for historical facts several members of the Society have spent much time and great care. Mrs. John Rose Holden has gathered many interesting incidents and facts regarding Joseph Brant, the Brant Tract and Brant House, which, with a drawing of the old house, a surveyor's plan of the property and other illustrations will be found in this volume.



## WENTWORTH HISTORICAL SOCIETY

Mr. H. H. Robertson has been marvellously successful in his search for the militia lists of the early part of last century and has obtained the portraits of many of the distinguished officers of those days. These, with short biographical sketches by Mr. Robertson, are presented in the following pages. He has also resurrected the records of baptisms, marriages and deaths kept by Rev. R. Leeming, of Ancaster and Dundas; these were long thought to be hopelessly lost.

Our President, Mr. Charles Lemon, also contributes an article on a subject of more importance to the country than war records. Wars are matters of occasional occurrence; the relations of the people of the country in organized form under the name of law are part of the daily life, always with us; therefore, such a concise, historical treatment of the subject as is Mr. Lemon's article deserves more than passing notice of readers.

The rolls of militia companies enlisted at the Head of the Lake (now Hamilton and vicinity) for service in 1812, with other documents of that period, will be of great interest to the many descendants of those men, and in a less degree to all historians.

An office building has been recently erected in this city, by the W. A. Freeman Co., on the corner of Barton and Leeming Streets, the spot where Robert Land, the supposed first white settler in this locality, erected his log cabin one hundred and twenty-five years ago, and this Society has arranged to have a suitable inscription cut in a stone which has been placed in the northeast corner for that purpose, thus permanently marking the spot and the historic event.

The Society is taking up the subject of improvement in the appearance and condition of the burying grounds throughout the country.

Fifteen years have passed since the organization of the Wentworth Historical Society, and in those years many of its energetic members have passed away. Their places are being filled by accessions of strenuous workers, but a society can only be kept up by the constant addition of active workers, and this society has room for a long list of new members.

JUSTUS A. GRIFFIN,  
Sec.-Treas.









COL. THOMAS TAYLOR.

Some Historical and Biographical Notes on the Militia within  
the limits now constituting the County of Wentworth,  
in the years 1804, 1821, 1824, 1830, 1838 and 1839,  
with the Lists of Officers.

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NOTE.

The portraits which appear in the following article have been furnished as follows: That of Captain Roxburgh, by his daughter, Mrs. William Ambrose, of Hamilton—a painting in 1831; of Col. Thomas Taylor, by his grandson, Mr. Hamilton MacCarthy, R. C. A., of Ottawa; of Sir George Leith and his son, Captain George Leith, by Mrs. Dick-Lauder, of Ancaster—from paintings. The photographs of Col. Gourlay and of W. M. Jarvis were taken in after life, and were lent by Mrs. Gourlay and Æmilius Jarvis, of Toronto, respectively. To Major J. E. O'Reilly, of Hamilton, I am indebted for the photograph of his late father, Judge Miles O'Reilly, and to George H. Bull, of Hamilton, for that of Captain William Notman; to Mr. Justice Robertson for the photograph of his father, Alexander Robertson, and I wish to return thanks also to Dr. James Bain, Toronto Public Library, Mrs. Voltz, nee Wishart, of Buffalo, N. Y., Mrs. Stephen M. Jarvis, of Toronto, the Rev. Canon Bull, Col. Cruickshank of Niagara Falls, H. J. Morgan, Ottawa, and Mr. J. H. Smith, for data.

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PART I.

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By H. H. ROBERTSON, BARRISTER, HAMILTON.



IN order that an oblivion of past transactions might rest over Scotland, Edward I.—that “Hammer of the Scottish Nation”—seized the public archives, ransacked the churches and monasteries, and destroyed many priceless documents. The investigator who would record the history of the militia of this district must face a difficulty akin to that of the Scottish historian. It affords little satisfaction to be able to account for this by pointing to the destruction of public buildings, wherein public documents were stored, at Niagara, and at York, in 1813, to the system of perambulating Parliaments later in our history, or the burning of



our public buildings in Lord Elgin's time, as the cause. Besides these misfortunes the investigator in Wentworth will learn that there is a lamentable absence of records which belong to the office of the Clerk of the Peace, in marked contrast to the careful preservation in the Eastern part of the Province. It is our duty to preserve what evidences we have, in the trust that at some later date, a more diligent search may be more productive. The Loyalist Claims Commission which sat in Quebec, Montreal, and points adjacent, in 1789, has preserved much of the history of the first settlers, but those who had settled so far west as the head of Lake Ontario could not attend their deliberations for reasons which would have been sufficiently obvious to us, had we lived under the hard conditions of those heroic pioneers. Their posterity, therefore, must lament that the prayer of their petition, that the Claims Commission might sit at Niagara, was not heeded.

Fort Niagara, a British post covering five acres, had been a City of Refuge for many loyalist families who had left prosperous homes in the Mohawk valley, and elsewhere, during the revolution. The assurance contained in the treaty of peace (Article V.) that Congress would urge the various states to the end that these expatriated loyalists should have their estates restored to them, we know was never acted upon, and although the western posts, Detroit, Michilimackinac, Fort Erie, Niagara, Oswego, Oswegatchi, Point Au Fer and Dutchman's Point in Lake Champlain, were held by Britain as security for the performance of this among other conditions, the posts were given up after thirteen years of fruitless waiting in 1796. (Can. Ar. Rep., 1891, xxxii.).

Ten thousand loyalists had come to Upper Canada when the first Parliament at Newark met in 1792. These, with 2,000 other settlers, and the Indians, constituted the entire population. Besides a settlement of French families near Detroit, the settlements consisted, in 1795, in a very considerable colony along the Niagara River, a few farms on the creeks which run into Lake Ontario from Niagara up to its northern point at Burlington Bay: in an insignificant beginning of a settlement in Toronto, and at Kingston, and extending along the banks of the River St Lawrence to the boundaries of Lower Canada, the most populous of all. (De Rochefaucault, 239.)







COL. SIR ALLAN NAPIER MACNAB.



To defend the infant colony by a well organized and efficient militia, was one of the first considerations of Lieutenant-Governor Simcoe. His sympathy and familiarity with the case of the loyalists is well known to you. How he had been appointed to the command of a Provincial corps known as the Queen's Rangers, after the British victory at the Brandywine on the 15th of October, 1777, and how, after the surrender of Cornwallis, at Yorktown, with many of the Rangers on board the ship "Bonetto," he returned to England, his corps being disbanded at the Peace of 1783 (*Army List 1798*: 573). Many of the original officers in the Queen's Rangers, however, formed the nucleus of another regiment of the same name, and accompanied their leader to Canada. Among these were William Jarvis, the secretary; John McGill, late quarter-master and commissioner of public stores in Upper Canada, and Lieutenant for the County of York; Captain Shank; Allan MacNab, father of Sir Allan; and William Merrit.

As territorial limits are essential considerations in militia matters, a brief retrospect of the history of the limits of the territory now embraced in the County of Wentworth, is appropriate. The Niagara Peninsula, in 1788, was a part of the District of Nassau, which had for its eastern boundary the Trent River, and for its western limit, Long Point in Lake Erie. Of a total militia force in the Province at this time of 4,213, the District of Nassau contributed 600 men. These, with the other disbanded loyalists, are they to whom Sir Isaac Brock referred, in 1812, as having settled Upper Canada, "a band of veterans exiled from their former possessions on account of their loyalty." They belonged to what has been styled "the heroic period of Upper Canadian history."

Simcoe, by his proclamation at Kingston, defined the limits of the Counties of York and Lincoln. And in dealing with the names of districts and counties, we are mindful that the township is our municipal unit, and as population increased, the grouping of the townships only, was changed. The townships which at the present time comprise the County of Wentworth, were, in the time of Governor Simcoe, in the west riding of the County of Lincoln, with the exception of the township of Flamborough,

which was a part of the west riding of the County of York, the dividing line between Lincoln and (West) York being the Governor's Road, the present boundary between the townships of Ancaster to the south, and West Flamborough and Beverly to the north, which latter township, however, was not surveyed until 1797, after Governor Simcoe's departure.

Counties were created for the purposes of militia, and representation in the Legislature, and in 1793, to each county a Lieutenant was assigned to appoint the officers of militia and the justices of the peace. The Hon. Robert Hamilton had been appointed judge of the District of Nassau, and was the first County Lieutenant for Lincoln. In 1804 Wm. Dickson was judge of Niagara District Court.

Two years before the arrival of Governor Simcoe, the Land Board of Nassau had directed Augustus Jones—a captain in the West Lincoln Regt. in 1804—to survey eight townships which received numbers as designations. Numbers One and Two faced the Niagara River, Three to Eight, inclusive, extending west from its mouth to Burlington Heights. In 1793, the numbered townships were named: Newark, Stamford, Grantham, Louth, Clinton, Grimsby, Saltfleet and Barton in the order named. All these were within the County of Lincoln until the creation of the Gore District in 1816. In 1816 (the lands now constituting the counties of Halton and Peel having been purchased from the Indians) the County of Halton and the County of Wentworth were created and together formed into the Gore District. Halton comprised Beverly, Dumfries, Esquesing, Flamboro, East and West, Nassagaweya and Trafalgar. Wentworth: Ancaster, Barton, Binbrook, Brantford, Glanford, Onondaga, Tuscarora and Saltfleet. Some of the townships were later appropriated by the younger Counties of Brant and Haldimand. But this is anticipating. Simcoe had hardly taken his seat when trouble began to brew between the new republic of the United States and Great Britain, then at war with France. The embargo on bread stuffs consigned to ports of France, was forcibly illustrated in Lord Howe's great naval victory on the first of June, 1794, and although the ordinance was revoked as to the United States, the latent hatred was revived and fanned to some purpose by the



The townships given in the text, with the addition of Nelson to Halton, comprised the Gore District in the forties.—(Smith's Canada I : 219.)

The Statute of 1816 declared that Halton should comprise “Trafalgar, Nelson, Flamborough East and West, and Blocks 1, 2, 3 and 4 on the Grand River, with the reserved lands in rear of Blenheim and Blanford.—(Stats. U. C. vol. 1 : 201.)

In 1821, to Halton, the townships of Esquesing, Erin, Nassagaweya, Eramosa, Garafraxa, and certain church lands were added. —(Ib. 270.)

From the Militia limits of 1839, it appears that Guelph, Waterloo, Woolwich, Wilmot, Puslinch and Nicol. were then within them.—(see post.)

H. H. R.





French Minister at Washington. A large party in the United States was, therefore, in favor of joining France, "the nation which had made them a nation," in her war against England. In 1794 Governor Simcoe was directed to erect military posts on the frontier at Miami, one of the retained posts in the State of Ohio, as a precaution against the threatening attitude of Gen. Wayne's army, then encamped where Cincinnati now stands, making war against the Indians, but threatening the British post of Detroit. Another post erected at this time, by Governor Simcoe, was at the head of Lake Ontario, the site of which was last year marked by the Wentworth Historical Society, and known as the King's Head Inn, placed in the communication between Niagara and London to the west.

In 1795 the population of the Province had grown to 30,000: the most populous portion still continued in the Eastern district, from Kingston to the interprovincial boundary. In 1796, a traveller (Isaac Weld) who visited Niagara thus expresses himself :

"I think the two Canadas will never become connected with the present States, because the people of these provinces and those of the adjoining states, are not formed for a close intimacy with each other.

"The bulk of the people of Upper Canada are refugees, who were driven from the States by the persecution of the republican party; and though the thirteen years which have passed over have nearly extinguished every spark of resentment against the Americans in the breasts of the people of England, yet this is by no means the case in Upper Canada. It is common to hear, even from the children of the refugees, the most gross invectives poured out against the people of the States; and the people of the frontier states, in their turn, are as violent against the refugees and their posterity; and, indeed, whilst Canada forms a part of the British Empire, I am inclined, from what I have seen and heard in travelling through the country, to think that this spirit will not die away."

It is not my purpose to discuss Canada's relationship with the United States. A retrospect, however, brings to Canadians no national reproach. If unneighborly feeling has existed, it has not been the fault of Canada. The action of Congress in the War of 1812 (sixteen years subsequent to the writing of the words

just quoted), the filibustering along our frontier in 1837, the Maine boundary deception; the sudden repeal by the States of the Reciprocity Treaty of 1854, "in a moment of temper," done in retaliation for Canadian sympathy with the Southern States in the Civil War; the covert permission of the Fenian Raid in 1866; in addition to a harsh alien labor law, form a chain of acts which have materially helped to stimulate our self-reliance, increase our commerce with other countries, and at the same time to convince Canadians that a reciprocity treaty, subject to sudden and whimsical revocation, is not essential to our prosperity. That the true position for Canada, as the oldest of the British self-governing states of the Empire, is to be the greatest in the United States of Great Britain.

### ENLISTING THE INDIANS.

Niagara was the gateway for the pioneer loyalists who settled at the head of Lake Ontario. Some came to Niagara from York, across the Lake, having come from New England or the Province of New York by the Richelieu and St. Lawrence; but the great majority of them were men of Butler's Rangers, who had left their homes in the Mohawk Valley and Pennsylvania. It has been the fashion for American writers, for over a century, to malign Butler's Rangers. Frequently acting in conjunction with the Indians of the Six Nations, they were condemned in this employment first by the great Whig leaders, on the floor of the British Parliament, condemnations perpetuated in English caricature, in the Whig publications of Dodsley, and in the bitterest revilings of their opponents. Adolphus' History of England contained sweeping accusations against Brant and Butler, the poet Campbell "embalmed in mellifluous verse," an historical fiction in the story of the Massacre at Wyoming: while the alleged massacre of Jane McRae, in the summer of 1777, is to be found painted in vivid colors, in the old standard American histories, in every form of exaggeration and falsehood, calculated to prejudice the mind. Later writers in the United States, however, have demonstrated that the taking of Jane McRae's life was not the act of the British Indians, but was due to the fire of the Revolutionary forces (a part of the garrison at



Fort Edward under Captain Palmer) who accidentally shot her while firing upon her escort of Indians.

This indignation, against the employment of the Indians, perhaps in England, was honestly uttered; but if so, it was uttered in ignorance that the responsibility for the first enlistment of the Indians, rested with the revolted Colonists themselves. "We must accept," says a modern American writer," the responsibility for the enlistment, before the Battle of Lexington, of the Stockbridge Indians by the Provincial Congress of Massachusetts Bay" (A. M. Davis Winsor's *Critical History of America*, Vol. VI.). In May, 1775, Ethan Allen sent from Crown Point to Caughnawaga, soliciting the Indians. "You know," he wrote, "they" (the King's troops) "stand all along close together, rank and file, and my men fight as Indians do, and I want you warriors to join me; if you will, I will give you money," etc. The message was, however, taken to Sir Guy Carleton. And on the 8th of July, 1776, Congress (representing the whole of the United Colonies) authorized the enlistment of the St. John, Penobscot and Nova Scotia Indians in the Continental service. (Force's 1st series *Am. Arc.*, vol. 1, 193.) Up to this time the Indians of the Six Nations, swayed by the influence of Sir John Johnson, Butler, Brant and Claus, had remained aloof.

Gentlemen of the Opposition, in the British Parliament, may have been in ignorance of these facts, and it is easy to conceive that the theme would form a welcome one for their eloquence in arraigning the Government on the war. American newspaper writers, however, could not have been in ignorance of the truth, and their charges, based largely on religious and highly moral grounds, were worse than false—they were both canting and hypocritical. A recent American writer has analyzed the time-worn charges against Brant and Butler, and his deductions are both conclusive and gratifying in the refutation of the slanders which have rested on the memory of these brave men. "Col. Butler," says Wm Peck, of Rochester, N. Y., "was a man of some cultivation and refinement, and of large landed possessions on the Mohawk River. Sir William Johnson, who died in 1774, had made him his executor,

He persuaded the Senecas and Mohawks in their refusal to enter the service of the United Colonies. For some time he discouraged their taking up arms, but as the war progressed, this attitude became untenable, and after Arnold had invaded Canada with a number of Penobscots in his train, it was determined by Carleton to make reprisals by forays into New York, in which the Mohawks should participate."

The Mohawk Valley, the scene of their exploits, saw the most terrible conflict throughout the whole revolutionary struggle. One turns in horror from the sodden field of Oriskany to be confronted later with the barbarities of Sullivan's overwhelming army marching to destroy the fruitful country of the Six Nations and its people.

### THE MILITIA OF 1804.

Before the Constitutional Act of 1791, theoretically, the Canadian (French) militia law—under the Quebec Act, 1774, whereby every man was made available—applied. The militia system of the Lower Province was distinct from the Upper Canadian law. The first law, after Upper Canada was set apart, was passed in 1793, and by it every male, between sixteen and fifty was considered a militiaman. It was required that each company should be inspected at least twice annually, and while no pay was provided, there was a fine of \$8 imposed on officers, and \$2 on men failing to attend. In 1794 the age limit was extended to sixty, and a distribution of arms was made, the times being warlike. The first militia was raised in York in 1798, but that there was an organized force before that date in Lincoln, is evident from the order in Council authorizing it, Captain George Chisholm, and others, being described therein, as of the Lincoln Militia. In 1805, four thousand stand of arms were distributed in the Province and the force consisted of 652 officers and 7,947 men. The Act of 1808 consolidated the law and set the 4th of June as the day for annual training, and each man was required to provide himself with "a sufficient musket, fusil, rifle or gun, and at least six rounds of powder and ball."



In 1804, the officers of the Second York Regiment were :

Lieut.-Col., Richard Beasley; Major, John Baptiste Rousseau; Captains, George Chisholm, Daniel Springer and John Green; Lieutenants, Samuel Hatt, John Mills, Richard Cockerell, William Bates, Titus G. Simons; Ensigns, David Vanevery, Samuel Ryckman, James Morden, William Applegarth, John Showers; Adjutant, Daniel Morden.

Twelve of these sixteen were U. E. Loyalists, and a biography of most, if not each, might properly include a history of the Revolutionary War, and of the War of 1812. Some of them, under the gallant, but illfated, Burgoyne, in his struggle for the Hudson, but chiefly in the Valley of the Mohawk, under Butler and Guy Johnson, in company with the Royal Regiment of N. Y., and St. Leger's Regiment.

The name of Richard Beasley appears upon the U. E. List, with the words "A Loyalist."

Now, the accepted Genesis of the creation of the settlement at the head of the Lake, is this: that in the beginning came Robert Land, it is said in 1780, and Richard Beasley perhaps before that.

On the 14th of Sept., 1777, at Peekskill, charges were preferred against a loyalist named Basly in company with one Merit. This might have been Richard Beasley. (Clinton Papers, by Hugh Hastings, N. Y. State, vol. II, p. 321.) It is noteworthy that General Vincent spells the name "Bazeley" in his dispatch of the 31st of May, 1813 (Cruik Doc. Hist., p. 288, 1812), and I am informed that the pronunciation was "Bazeley."

Richard Beasley's residence was at Burlington Heights, and in 1799 he received the crown Grant for Broken Front, Lot 18-19 in the first concession of Barton, the site of Dundurn.

Not far distant was the dwelling of Chief Thayendenagea, and it was the custom of the Indians to meet at Beasley's. On one of these occasions, the son of the Chief of the Six Nations, mad with liquor, sprang at his father, armed (it was said by some and denied by others) with a dagger. The old Chief drew a short dirk he always carried at his side, and although friends seized both to part them, the blow was partly effective on the head

of the younger man, who subsequently tore off the surgeon's dressings, and to the infinite grief of his father, succumbed to the fever which ensued. This occurred a short time before the death of Joseph Brant, in 1807.

Richard Beasley represented Durham, York and West Lincoln in the legislative assembly, the first member being Nathaniel Pettit. West Lincoln was composed of the following townships: Ancaster, Barton, Saltfleet, Glanford, Binbrook, Caistor, Gainsborough, Grimsby and Clinton.

Richard Beasley was also a Justice of the Peace, and as such performed the marriage rite for all desiring his offices, capable of declaring that they lived more than eighteen miles from a clergyman, and Niagara held the nearest, in 1804. He with his brother officers, Geo. Chisholm, J. B. Rousseau, Daniel Springer, John Showers, of the Second York, and James Wilson, John Ryckman, Augustus Jones, Peter Bowman and Ephriam Land of the West Lincoln Regt., in 1796, signed the first By-laws of the Barton Lodge of Freemasonry. Beasley was Deputy Grand-Master of the Grand Lodge of Upper Canada, which met at York on the 10th of February, 1804. A century ago.

Although Col. Beasley was colonel of his regiment in 1812, he does not appear to have been in any engagement, and the command of the new regiment of Incorporated Militia in 1813 was given to the Major of his regiment, Titus Geer Simons. (Cruikshanks' Doc. Hist., V., p. 301.)

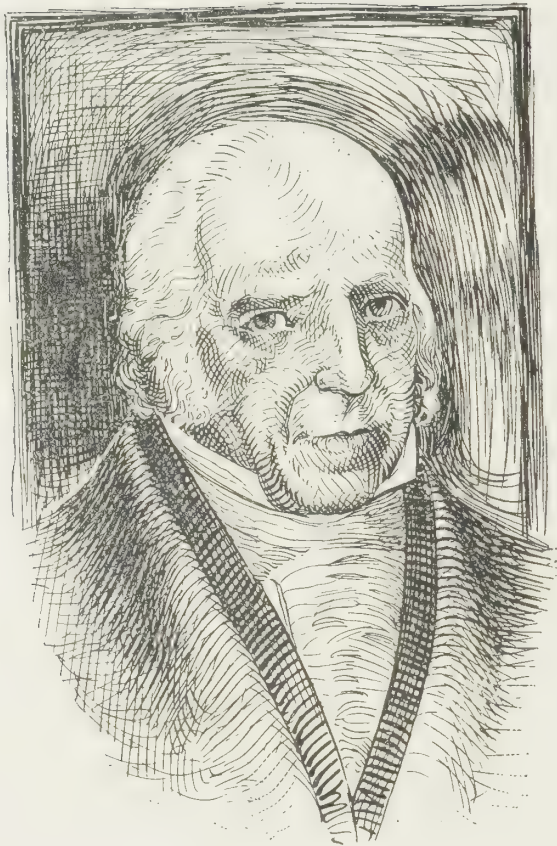
In July, 1789, a survey of lands was ordered for Richard Beasley and Peter Smith (Can. Arc. Q. 43—1—p. 563, Report of 1891).

### JEAN BAPTISTE ROUSSEAU.

Jean Baptiste Rousseau came from old France. He lived first at York, at which place he is referred to by the wife of Governor Simcoe in a diary, and for whom he acted as pilot in July, 1793. With the Hatts and James Wilson he began the settlement at the village of Ancaster. The first mill built there was his—the first west of Niagara and York. He was interpreter for Chief Joseph Brant.







CAPTAIN GEORGE CHISHOLM  
Born, July 19, 1752. Died, Dec. 5, 1842.



On the 15th of Nov., 1812, Rousseau was appointed president and captain in the Indian department, by order of the Adjutant General, dated at Montreal. He died at Niagara, however, on the same day, and was buried in St. Mark's churchyard with military honors, the firing party being taken from the second York and first Lincoln regiments.

### GEORGE CHISHOLM.

George Chisholm was born at Leys, Invernesshire, Scotland, in 1752, and emigrated to New York in 1773. He joined the Royal Standard in the revolutionary war, married Barbara McKenzie in 1778, came to Niagara in 1791, and settled on the north shore of Burlington Bay in 1794. No distinct account of the part he took in the war is recorded. Among his papers is an unsigned declaration that one Rose, presumably his brother-in-law, served in the war, and came to Canada with Captain John McDonell, which would indicate that Chisholm came with Rose. This information may, however, have come to Chisholm from his wife; the U. E. List contains the name of but one George Chisholm, and his place of residence is there described as in the Home District, agreeable to the presumption that the subject of this sketch is intended—with the additional note: "States a carpenter in Gen. Burgoyne's army." It will be remembered that many Provincials of this ill-fated army made their way to Canada after Saratoga. George Chisholm received his commission in the Canadian Militia in Dec. 1798, and in 1812 was not too old to meet the aggressor on the frontier of Upper Canada.

At Queenston Heights he so signalized himself, in company with Capt. William Applegarth, also of the 2nd York, whose company, with Chisholm's, joined the flank companies of the 41st Regt. in the decisive charge, that the names of these officers were mentioned in a general order.

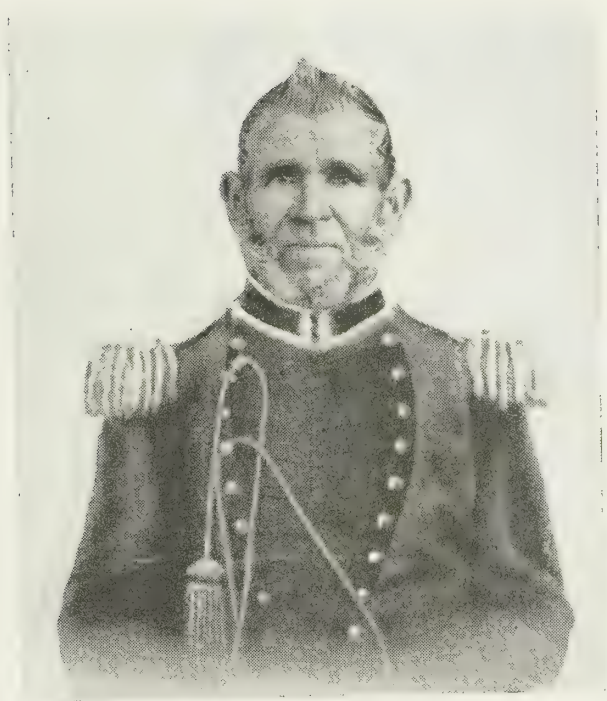
In this battle a son of George Chisholm, also named George, then a lad of twenty, was a sergeant in James Durand's company.

His other sons were John, born in 1784; James, born in 1786, and William, born in 1788.

The second George died in 1872, and from his obituary in an Oakville paper, the following extracts are taken:

“Colonel George Chisholm died at the residence of his son, Capt. George Brock Chisholm, on the 31st ultimo, in the 80th year of his age. He was born at Fort Erie on the 16th of September, 1792, and was the youngest son of George Chisholm, senior, who was a U. E. Loyalist, and settled on the north shore of Burlington Bay in 1794, and died there in 1842. Col. Chisholm took an active part in the War of 1812. He belonged to the 1st Flank Company of Volunteers, was present and fought at the battle of Queenston Heights, when General Brock was killed, and took part in nearly all the battles that were fought at that time on the Canadian frontier. At the Battle of Lundy’s Lane he commanded a company. He was one of the party who went over with Colonel Bisshop and burned what there then was of Buffalo. He was present when the Steamer Caroline was sent over Niagara Falls in 1837, and for several years after held the colors that were taken from the steamer before she took her leap; he afterwards gave them to Captain McCormick, who was returning to England; but exacted from him a promise that he would always hoist them on the 29th of December. In 1837 he was gazetted Lieutenant-Colonel, and, in 1838 Colonel. When the rebellion broke out in 1837, he proceeded with the late Sir Allan N. MacNab, with seventy-two volunteers, to Toronto (then York) and marching up to the City Hall they found the late Chief Justice Robinson standing sentry; he supplied the men with Government arms and ammunition. On the 7th December, while crossing a field to dislodge the rebels from a piece of woods, a ball from the enemy struck the stock of his musket, partially splitting it, and remained imbedded in the stock. Sir Francis Bond Head afterwards presented him with this musket with an expression of appreciation of his services. \* \* \* \* During the vigor of life he took an active part in the politics of his country, and was always allied with the Conservative party. He was among the oldest members of the Masonic Fraternity in this part of the





COL. GEORGE CHISHOLM,  
Born, Sept. 16, 1792 ; died, Jan. 31, 1872.





country. \* \* \* \* \* His thorough knowledge of the Indian language enabled him to be of great service to the Government and people in early days when the Indians abounded in this part of the country."

### DANIEL SPRINGER.

✓ Captain Daniel Springer was a soldier in Butler's Rangers. In 1802 he received the crown grant of lot 14 in the 3rd Con. of Barton which he afterwards sold to George Hamilton, the beginning of the city of Hamilton. Lot 13 was granted to Richard Springer, the two lots comprising the lands now lying between James, Wellington, Main and Concession streets.

In the war of 1812 Captain Springer was at Detroit, and in command of a company of the First Middlesex. From a report of the Loyal and Patriotic Society (p. 247) it appears, "that Captain Springer exerted himself in defending the Province by actively performing his duty on all occasions. He therefore became, as usual, extremely obnoxious to all the enemy and the disaffected, a party of whom seized him on the 1st February, 1814, and after binding him, took his own horses and sleigh, and placing him in it, carried him to Kentucky. Shortly after his departure, his family was obliged to move to the Grand River. He returned in time to share in the glory of the battle of the Falls."

### JOHN GREEN.

John Green joined the Royal Standard in New Jersey in 1776. He lived at Grimsby, known as the 40 mile creek, in 1793, where he was the proprietor of the mills, which in 1795 supplied the forces. "He intends to bring up all his sons to farming and to build for each of them a mill, either on this (Grimsby) or on a neighboring creek. He grinds the corn for all the military posts in Upper Canada. (De Rochefocault, p. 260.)

A descendent known as Billy Green the Scout, son of Adam G., living near Stoney Creek in 1813, it is said, with the assistance of Isaac Corman, ascertained and carried the American pass-word for the day, to General Vincent at Burlington Heights on the eve of the 6th of June, when the force consisting of 704 regulars and some militia, left headquarters in the night and surprised the American Army camped at Stoney Creek. Green is said to have ridden along the crest of the mountain and descended at a point near Garth street and made his way to Vincent's Headquarters.

### SAMUEL HATT.

Samuel Hatt came to Ancaster from London, England, about 1798, in company with his brother Richard. His sister, Susanah, was the wife of Colonel Johnson Butler, who was killed on the 28th of November, 1812, in the attack on the batteries opposite Black Rock, by General Smythe. "The batteries were wrested from us for a time by superior numbers, but Major Ormsby, of the 49th Regiment, with a body of troops from Fort Erie, having formed a junction with Lieutenant-Colonel Bisshop, who had moved with great celerity from Chippewa with reinforcements, those of the enemy who had not retired to their shore, amounting to nearly forty, were made prisoners with Captain King, who had commanded in the attack." (Cruikshank Doc. Hist. 1812—252.)

On the 21st October, 1807, Samuel Hatt married Margaret Thompson, of Niagara. He commanded the detachment of the Second York and Fifth Lincoln, which accompanied Sir Isaac Brock to Detroit, consisting of three officers, three N. C's., and 59 rank and file. The original muster roll of this company has recently been presented to the W. H. S. by Mr. N. H. McAfee, of Burgessville, Angus McAfee, his ancestor, being a sergeant in the company.

Samuel Hatt commanded the third militia division at Queenston from July 12 until the Battle of Queenston (Cr. D. H., 92). In 1804 his name appears in the list of Commissioners of the Peace.



After the War of 1812 Samuel Hatt settled at Chamblé in Lower Canada (J. Ryckman's narrative).

### JOHN MILLS.

John Mills was born in New York, and for his loyalty he suffered imprisonment and the pillory at Staten Island. In 1777 he joined Peter's corps and served therein in Burgoyne's campaign. He came to Upper Canada in 1793 with his son James, who married Christina, daughter of Michael Hess. Their children include Michael, Samuel (a senator), John, Nelson, William and George H., the late president of Wentworth Historical Society. From the list of widows and orphans and pensioners, published in the *Spectator* at St. David's, 25th October, 1816, it appears that Solomon Mills, a sergeant in the Second York, was killed in action on the 5th of July, 1812 (*Can. Arc. B.*, vol. 167, 206).

### RICHARD COCKERELL.

Richard Cockerell settled in Ancaster and opened a school there in 1796 (*Hodgin's Doc. Hist. Education*). He was the tutor of the younger Brant, who was born in 1794 and died in 1832 of cholera. He was appointed a land surveyor in 1805, to survey on behalf of the crown (Toronto of Old).

In 1796-7, 1816 Cockerell was the Grand Secretary of the Grand Lodge of Freemasonry of Upper Canada, which held its meetings at Niagara (*Robertson's Hist. Freemasonry*, 459).

He was the editor of the *Spectator* newspaper, published at St. Davids, in 1816, and opened the first printing press in the village of Dundas a short time afterwards, under the patronage of Major Richard Hatt.

### WILLIAM BATES.

William Bates was a sergeant in the Queen's Rangers. In 1800 he had charge of the King's Head Inn, erected by Governor

Simcoe, reference to which is made by the wife of Governor Simcoe in her diary, 11th June, 1796. There is now in the possession of William Bates, of East Flamboro, a Masonic jewel, given early in the nineteenth century, by a Mr. Dunlop to Augustus Bates, sent by Benedict Arnold to the man who helped him through the lines to the "Vulture."

A grey headstone at Stoney Creek contains the following :  
"Sacred to the memory of Phoebe Bates, wife of Wm. Bates, born in Stamford,, Conn., died in this Province Dec. 16, 1807, aged 46."

On the 10th of May, 1813, a week after York had been taken by the Americans, Chauncey detached two schooners from his fleet, cruising off Niagara, for the purpose of destroying the King's Head Inn, which they accordingly bombarded with hot shot. The post was garrisoned by fifty men of the Second York and Fifth Lincoln, under Major Samuel Hatt, without artillery. The garrison were forced to retire, and reinforcements being brought from Burlington Heights, the enemy retreated to their boats.

The site of the King's Head Inn was marked last year on the anniversary of the battle of Lundy's Lane, by the Wentworth Historical Society.

### **JAMES MORDEN.**

One Joseph Morden served in Peter's Corps with Burgoyne in 1777.

James Morden was the son of Ralph Morden who had been hanged or shot by the revolutionary patriots in 1780. He had two brothers, John and Ralph. His mother, Ann Morden, came from Pennsylvania to the head of the Lake, bringing with her two sisters, Jane and Mary Long, their father, Ralph Long, having also lost his life in the royal service. Ann Morden lived at Dundas, then known as the King's Landing, or Cootes' Paradise. While passing through, Governor Simcoe remained at her house, and on one of these occasions, presented her with a Bible which

is still in the possession of the family. In 1799 the Crown Grant of Lot 18, in the third concession of Barton, now within the city received the patent for lots 16 and 17 in the first concession of West Flamboro, the site of the easterly part of the town of Dundas.

### WILLIAM APPLGARTH.

William Applegarth was not a U. E. Loyalist. He came from Standrop, Durham, England, in 1791, and received the Crown Grant for the land in East Flamboro, known as "Oaklands." The first grist mill in the neighborhood was built by him in 1809, when sea salmon were plentiful at the Credit, and in his own mill stream. The mill was destroyed by fire in 1812. A second mill had the same fate. It was again rebuilt, and the old mill, with the quaint over-shot wheel, still to be seen from the car window, is the third mill built by William Applegarth. His wife was Martha Cooley, U. E. L., whose sister Mary (Polly) was the wife of Richard Hatt. John Applegarth, and his brother Joshua, followed William, their brother, to Canada in 1801, and John formed one of Capt. Samuel Hatt's company at Detroit in 1812. He opened the first store in the town of Hamilton after the war. In the thirties William Applegarth was a regular attendant of Christ Church Cathedral, Hamilton.

### JOHN SHOWERS.

John Showers was a brother of Michael Showers, of Butler's Rangers (XX. Pemberton, 16). Michael Showers, to whom the Crown Grants of lands in Ancaster Township, now in Dundas, were made, had a large family, including six or seven daughters, all of whom lived to extreme old age, were married and left families. One married a Depew, one VanEvery, and one Stewart, and one Isaac Smith, late of Sussex County, New Jersey, the grandfather of Joseph Henry Smith, public school



inspector of Wentworth. The name of John Showers appears on the muster roll of Peter's Corps, under Burgoyne, in 1777, together with John Mills and Joseph Morden.

### **TITUS GEER SIMONS.**

Titus Greer Simons' biography appears in the Transactions of the U. E. L. Association, 1902-3. He was a son of Titus Simons, quartermaster of Peter's Corps, under Burgoyne, and adjutant of the 1st Regt. West Lincoln. In 1806 he exerted himself in the formation of the Burlington Agricultural Society, the original manuscript constitution in his own handwriting, being still preserved. His brother officers of the Second York and West Lincoln Regiments, were its members. In 1813 he commanded the Incorporated Militia (Can. Arc., Q. 341, 207). He commanded the 2nd York at Lundy's Lane, where he was severely wounded.

In 1824, Simons, then colonel of the Second Gore Militia, laid the corner stone of St. John's Church, Ancaster, the particulars of which ceremony is to be found on page 973, Robertson's Hist. of Freemasonry. He was the first sheriff of the Gore District.

### **West Lincoln, First Regt.**

In 1804 the west riding of Lincoln had two regiments, and comprised the following townships: Ancaster, Barton, Saltfleet, Glanford, Binbrook, Caistor, Gainsboro, Grimsby and Clinton. The officers of the first regiment were: Colonel, Peter Hare; Lieut.-Col., Andrew Bradt; Major, Richard Hatt; Captains, John Ryckman, Augustus Jones, Samuel Hatt, Peter Bowman, Wm. Lottridge, John Smith; Lieutenants, Elijah Chambers, John Jones, John Aikman, Charles Devine, Lewis Horning, Michael Chewin, Robt. Land, Jr., Wm Davis; Ensigns, Conrad Johnston, Benj. Lockwood, John Springer, David Stewart, Peter Hess, Gershom Carpenter, Ephraim Land, George Smith, Daniel Young, Jr.; Adjutant, Titus Simons; Quartermaster, James Wilson.

The officers of the second regiment were: Lieut.-Col., Ralph



COL. TITUS GEER SIMONS.





Clench; Major, Johnson Butler; Captains, Jacob Tenbroek, John Munro, Abram Nelis, James Henry, George Renier, John Carpenter, Jonathan Moore, Smith Griffin, William Nelis; Lieutenants, Titus G. Simons, Wm. Carpenter, Daniel House, Joseph Adair, Allan Nixon, Philip House, Robt. Comfort, James Doddy, Solomon Hill; Ensigns, Henry Hickson, Ralph Walker, Edward Griffin, Pearce Moore, Richard Griffin, John Snyder, Joseph Smith, Jacob Beam, Jonathan Pettit; Adjutant, Adrian Marlat.

### PETER HARE.

Peter Hare had served through the whole of the revolutionary war, a captain in Butler's Rangers. He was born on the Mohawk River, Tryon County, N. Y. (Can. Arc. B., 167, 322).

Captain Hare appears in the U. E. list in 1786 as of the Indian Department, and having two children. From the return of Col. Butler made in 1781, it appears that one John Hare, a farmer's son, whose place of birth was on the Mohawk River, had served as a lieutenant in his corps, seven years. A tombstone in the churchyard at Jordan has the inscription, "In memory of Peter Hare, Senior, who was born May 11th, 1748, and departed this life April 6, 1834, aged 85 years, 11 months."

In 1782, at Montreal, Margaret Hare, widow of Lieutenant John Hare, who was killed at the Battle of Oriskany, "below Fort Stanwix," petitioned Governor Haldimand "to take her misfortunes into consideration, that her six fatherless children will not be without a paternal patron in this country, where it is difficult to support a family." The widow Hare refers, in her petition, to a son in Butler's Rangers. (Pringle's Eastern Dist., 363-4. Can. Arc. 167-322.) John Hare had been Under Sheriff at Johnstown, on the Mohawk River, where he possessed considerable property. His house was plundered by Schuyler and Mrs. Hare kept as a hostage. Wm. Hare, his son, was gaoler. The rebels took possession of the gaol and used it as a block-house (Pemberton XX).

The widow Hare's memorial sets out that her husband had been commissioned by Lord Amherst and Sir William Johnson. That after his death she was plundered of almost all that she had, and although she attempted several times to extricate herself to get to Canada, she was as often prevented by atrocious cruelty.

In October, 1781, an act was passed that the Loyalists should be sent off, but, owing to Major Ross' incursion, she was obliged to return to Johnstown.

An engagement ensued near Johnstown Hall, and the historian, Stone, states that the widow Hare was at Johnstown when Sir John Johnston's force was there in May, 1780, and that she assisted the rebel, Sammons, to escape. (*Life of Brant*, vol. II. 72 and 78.)

The widow Hare finally reached Montreal, through the assistance of Colonel St. Leger, whom she met at St. John's, and was again assisted by Colonel Claus at St. Johns.

### ANDREW BRADT.

Andrew Bradt had been a captain in Butler's Rangers. In Colonel Butler's return (1781) of his officers (*Can. Arc. B.* 167-322), Andrew Bradt is described as a farmer's son, having been born in Schenectady, and served nine years in the Rangers. John Bradt was a lieutenant in the same corps. In March, 1780, one Anthony Bradt petitioned Governor Haldimand, reciting that "he had been a lieutenant in His Majesty's militia in Tyron County, in the Province of New York since 1772, and continued so until the commencement of the present rebellion, and after many strenuous efforts in favor of government he was obliged at last to abandon his all and take refuge in the Six Nation Indian country, where he served a campaign with Captain Joseph Brant against the rebels, after which he went home to his family and gave them some assistance, where he concealed himself until last Nov. (1779), and was then under the necessity of flying to this Province," etc.

**RICHARD HATT.**

Richard Hatt was born in 1769 in London, England. He settled in Ancaster about 1798. His brothers, Samuel and Augustus, and sisters, Mary and Susannah, also came to Canada. He was the first to utilize the water privileges of the Dundas Valley, where he erected saw mills, grist mills and carding mills. His was also the second mill at Ancaster. In 1799 he was married at Ancaster to Miss Mary (Polly) Cooley, U. E. L. (Toronto of Old, 335). Peter Desjardins, the projector of the canal which bears his name, was associated commercially with Richard Hatt in Dundas, apparently his bookkeeper. In the war, Major Hatt commanded the militia at Fort Erie on the 28th of Nov., 1812, under Colonel Bisshop, when the attack under General Smythe was repulsed, and when Colonel Johnson Butler and Captain John Lottridge were killed (Cr. Doc. Hist. 253-56, 278, 326). At Lundy's Lane Major Hatt's command formed part of Colonel Hercules Scott's reinforcement, which, after much counter-marching, arrived on the scene of battle at 9 p. m. He was severely wounded in the battle.

Richard Hatt was the first chairman of the First Court of Quarter Sessions in the District, and the first Judge of the District Court of the Gore District, when the sessions, the Court of Assize, the Court of Requests, and the Surrogate Court afforded administration of justice and municipal government. Two Justices of the Peace, commissioned to certain limits by the Justices in Quarter Session, constituted the Court of Requests (legal qualification not essential), sitting on the first and third Saturdays in the month, sometimes in the open air. In 1816 the jurisdiction of this Court was extended to £5, but no judgment was to be given for more than 10s. unless proved by other than plaintiff's evidence and admitted. In 1804 there were forty-five Justices of the Peace in the Niagara District, and Richard Beasley, Richard Hatt, William Applegarth and John Green were of the number (U. C. Almanac). Quarter Sessions for Niagara District met at Niagara until 1815, when it was enacted that if the district was invaded, or for other reasons advisable,



the J. P.'s might assemble at the most convenient place in the district, and the next session was to be held at the forty mile creek (Statutes of U. C., Vol.I., 91-187-193-31).

The silver communion service at present in St. James' Church, Dundas, was presented by Richard, and Mary Hatt, his wife, in 1817. Of their marriage there were ten children. One of the daughters, Susannah, was the wife of the first missionary to Gore District, Ralph Leeming, who came in 1816. Another, Ann Draper Hatt, married Dr. James Hamilton, of Spring Hill, West Flamboro, and a son, John Ogilvy, barrister, and sometime Warden of the Gore District (1846), married a sister of Sir Allan MacNab. Two daughters, Mary and Margaret, married William and Alfred Coulson, and a son, Thomas, married Jennie Secord, U. E. L.

In 1818 and 1819, Richard Hatt represented the Gore District in the Legislative Assembly (Hodgin's Doc. Hist., Ed. 118, 136).

Richard Hatt was a strong pioneer in the arts of peace, persistent in the maintenance of law and order, and true Briton in time of war.

The following statement of account from among the papers of Col. George Chisholm, rendered in 1819 by Peter Desjardin, Hatt's bookkeeper at Dundas, is instructive as to prices, and the method of payment :

190. MR. GEORGE CHISHOLM

*Dr. to RICH'D HATT.*

<i>1818</i>				
<i>May 11.</i>	<i>To</i>	<i>½ lb. Hyson Tea,</i>	<i>" 10</i>	<i>—</i>
<i>June 15.</i>	<i>"</i>	<i>4 yards Sheeting,</i>	<i>1 " 2</i>	<i>—</i>
	<i>"</i>	<i>1 Rud,</i>	<i>" 18</i>	<i>—</i>
<i>July 11.</i>	<i>"</i>	<i>4 yards Sheeting,</i>	<i>1 " 2</i>	<i>—</i>
	<i>"</i>	<i>½ lb. Tobacco,</i>	<i>" 3</i>	<i>—</i>
<i>Dec. 12.</i>	<i>"</i>	<i>½ lb. Saltpetre,</i>	<i>" 4</i>	<i>—</i>

*Due me, N. Y. c. £ 3 " 19 " 0*

*Received Ten Bushels of Wheat }  
in full for above, 4 " "*

*For R. Hatt,*

*Peter Desjardins.*

*Dundas, 17th Mch., 1819.*

**JOHN RYCKMAN.**

John Ryckman belonged to the Indian department in the revolutionary war. On the 5th of July, 1778, Guy Johnson had given him written instructions to proceed to a place of destination, not disclosed, probably in the Province of New York, with a company of Oneidas. The party having exhausted their provisions, fell into the hands of the enemy, but made their escape.

John Ryckman was placed on half-pay in 1784, and took lands in Saltfleet, but removed to Barton. In 1801 he received the Crown Grant of Lot 28 in the broken front of Saltfleet, and also lot 28 in the first concession adjoining. The Battle of Stoney Creek was fought near his farm, and his son John, who was born, in 1798, upon it, has left a description of the field as he saw it the morning after the battle. The fences and houses near bearing marks of the volley firing.

Burlington Heights, he says, was covered with oak trees, which were converted into block houses and breast works. (Spectator, 17th July, 1885.)

John Ryckman, Jr., also records the execution for treason of eight men on the west side of the road, now Dundurn street, doubtless those mentioned by Kingsford. (Hist. of Can. VIII., 471.)

Another family, of which another John Ryckman was the head, settled on the Bay of Quinte. His name appears in the list of freeholders in Albany County, in 1720. His son, Tobias, appeared before the U. E. Claims Commissioners at Montreal (Pemberton, 23, 66), (Doc. Hist. N. Y., O'Callagan, I., 241), and a son Edward came to Flamboro in 1811 and married Ann Warren.

Descendents of Edward Ryckman live at Seaforth and also in the County of Wentworth.

**AUGUSTUS JONES.**

Augustus Jones was the surveyor who laid out the townships of the Niagara Peninsula.

**JOHN AIKMAN.**

John Aikman was born in August, 1763, in the Province of New York, and died on the 1st of November, 1841. On 13th August, 1787, he married Hannah, daughter of Michael Showers, U. E. Their children were all born at the head of Lake Ontario; Alexander in 1790. A son, John, married Sarah Hammel, and a daughter, Mary, married Thomas Hammel. Michael married Anna Wilson; Nancy married Justus W. Williams; Hannah Aikman married Rev. Egerton Ryerson. In 1812 Aikman's farm was the British outpost towards Stoney Creek from Burlington Heights, and between these two points, two miles apart, at present lies the most central portion of the city of Hamilton.

The minutes of Barton Lodge of 7th April, 1798, record that "Bro. Aikman says, the lodge shall sit no more at his house, if it is to sit on Saturday."

Michael Aikman, a son of John Aikman, was the sitting member in the Legislative Assembly for the Gore District in 1839.

**CAPTAIN JOHN LOTTRIDGE.**

Captain John Lottridge was killed when a captain of the 3rd Lincoln in repelling Colonel Smythe's attack on Fort Erie on the 28th of November, 1812. With him also fell Colonel Johnson Butler. (Cruikshank's Doc. Hist., p. 253.)

In 1759 Sir William Johnston sent Captain Robert Lottridge from Canajoharie to reconnoitre Ticonderoga preparatory to Amherst's successful attack upon that post. (Stone's Brant, I., p. 15.)

Robert Lottridge had five in his family, according to the U. E. list. In 1814 lot 7, B. F., in the 1st concession of Barton was granted to John Lottridge, sixty acres on the shore of Burlington Bay, at Gage's Inlet.

In 1796 lot 20 in the second concession of Barton had also been granted to John Lottridge. In 1802 he was Master of Barton Lodge, his brother officers, Ephraim Land and Robert



Land, being J. W. and Secretary, respectively. (See certificate to Adrian Marlat, p. 662, Hist. of Freemasonry, J. R. R.)

### **WILLIAM DAVIS.**

William Davis was the son of William Davis, U. E. L., of North Carolina. He married Mary Long, while his brother, Jonathan, married Jane Long, who had accompanied the widow Ann Morden from Pennsylvania, reference to whom has already been made.

William Davis was born in 1776 and died in 1830. A sister married James Gage, U. E. L., and another Col. John Chisholm.

### **PETER HESS.**

Peter Hess was the son of Michael Hess and was born at Upper Mount Bethel Township, Northampton County, Pennsylvania. The "Church Book" for that parish records his birth on the 10th September, 1779. In 1802 Michael Hess received the Crown Grant for lot 15, in the fifth concession of Barton and also lots 14 and 15 in the sixth concession, whereon is the family burying ground, the tombstone of Michael Hess therein recording his death in 1804, at the age of 65 years. A sister of Peter Hess (Christina) was the wife of James Mills, a son of John Mills, U. E. L., the head of the Mills family. Peter Hess left six daughters, who married John Bamberger, George Rymal, Robert McIlroy, Caleb Hopkins, Mr. Gordon and Col. Nathan Bostwick.

### **GERSHOM CARPENTER.**

Gershom Carpenter was a U. E. Loyalist, who, with John Carpenter, in 1802, received the Crown Patent for lot seven in the broken front, and in the first and second concession, and also lots 16 and 17 in the second, of Saltfleet. His son, John, married Mary, eldest daughter of the Hon. John Willson, of Winona, sometime speaker of the Legislative Assembly. The father of

the latter was a loyalist who had settled, in 1773, in the Niagara District, having come from Staten Island. (U. E. List, 275.) (Spectator, 29th May, 1860.)

### JAMES WILSON.

The author of Smith's Gazetteer (1850) states that Ancaster was founded by James Wilson, a Loyalist, J. B. Rousseau and Richard Hatt. The minutes of the first meeting of Barton Lodge (31st January, 1796) record that James Wilson was Senior Warden, John Ryckman, J. W., Daniel Young, Treasurer, while Br. Bradt was a visitor.

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## PART II.

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### THE GORE DISTRICT MILITIA, 1821—1824-1830-8-9. 1821.

From the first York Almanac "published by authority," that of 1821, it appears that there were then but two regiments of Gore Militia, the officers being then, many of them, men who had served in the War of 1812, and some of the men of the West York and West Lincoln regiments of 1804 were still among them. The officers of the regiments were:

1st Gore—Lieut.-Col., Andrew Bradt; Captains, Daniel Young, William Lottridge, John Smith, James Durand, Israel Dawdy, John Aikman, Robert Land, Frederick Yeonard, John W. McIntyre, Daniel Showers; Lieutenants, Conrad Fillman, Lewis Horning, William Davis, Peter Hess, Ephraim Land, Joseph House, David Kerns, Joseph Birney, Abel Land, Allan McDougal; Ensigns, George I Smith, Philip Reeymall, Jacob Springstead, George Rousseau, David Kribbs, Simon Bradt, Henry Young, Angus McAfee, John Forsyth, Abraham Secord; Adjutant, ———; Quartermaster, Ezra Barnum.

2nd Gore—Lieut.-Col., Abraham Nelles; Major, Titus G. Simons; Captains, Samuel Ryckman, John Chisholm, Thomas Atkinson, William Chisholm, Thomas Smith, John K. Simons, William Ellis, George Clemens, William McKerlie, George

Chisholm; Lieutenants, Thomas Lucas, William McCorby, George Chisholm, Peter McCollum, Walter W. Simons, Duncan McQueen, Alexander Brown, Moses McKay, Ward Smith, Ashel Davis; Ensigns, Jacob Cochonour, George King, James Hamilton, M.D., William Chisholm, Benjamin Markle, John Lawrason, Abner Everitt, Aaron D. Vrooman, Ryner Vansickle, Peter VanEvery, Jr.; Adjutant, Master W. Simons; Quartermaster, William Neville.

Independent Companies, Grand River—Captains, Thomas Perrin, John Westbrook; Lieutenants, Enos Bunnell, Libbines Garner.

### LIEUTENANT DANIEL SHOWERS.

Lieutenant Daniel Showers, on the 12th of July, with a guard of 16 men, was detailed to convey by water from Burlington to Kingston 29 American prisoners of War, of whom Major Chapin was one. The guard was overpowered, the tables turned and the "captives" carried their guard off, prisoners to Buffalo. (Cruikshank's Doc. Hist., VI., 232.)

An anecdote is told of Daniel Showers, years after the war, when peacefully residing in Ancaster. Being importuned by a Yankee itinerant to purchase an infallible remedy for rheumatism, or some kindred ill, he was on the point of buying a dozen boxes, when he discovered that the remedy bore the label "Chapin's Pills." It is said that the gallant Major spoke no word, but walked to his gun-rack over the capacious fireplace, took down his long rifle and pointed with an extended finger to the gate, and that the pedlar made a quick exit.

### CAPTAIN JAMES DURAND.

Captain James Durand, of the First Gore, was born in Wales, in 1775. He came to Upper Canada in 1800, and commanded a company in the 5th Lincoln at Queenston Heights. In 1817 he



was elected a member of the Legislative Assembly, having represented Niagara in the same body in 1814. He died on the 22nd of March, 1833, at Hamilton.

### 1824.

The York Almanac of 1824 contains the following list of officers in the then four Gore regiments:

#### **Militia of Upper Canada.**

1st Gore—Colonel, James Crooks; Lieut.-Col., ———; Major, James Racey; Captains, John Westbrook, John W. McIntyre, Daniel Showers, Frederick Yeonard, Matthew Crooks, George Rolph, Philip Rymal, John Aikman, Alex. Aikman, Enos Brunnell; Lieutenants, John Forsyth, John Petrie, William Sturges, Patrick Hamel, William Kerby, John Burwell, John Findlay, James Corbett, Peter Horning, Robert Berrie; Ensigns, William Shackleton, John D. McKay, Alex. Westbrook, John Howell, Richard Hatt, James Durand, William Ritchie, Milcha Files, John Shaver, Andrew Edie; Adjutant, J. W. McIntyre; Captain, ———; Quarter Master, Ed. Vanderlip; Surgeon, James Hamilton.

2nd Gore—Colonel, Titus G. Simons; Lieut.-Col., John Chisholm; Major, Thomas Atkinson; Captains, John K. Simons, William McKerlie, George Chisholm; Lieutenants, Peter McCollum, W. W. Simons, Adj't, Duncan McQueen, Alex. Brown, Moses McKay; Ensigns, George King, William Chisholm, Benjamin Markle, John Lawrison, Abner Everitt; Adjutant, W. W. Simons; Lieutenant, ———; Quarter Master, William Neville; Surgeon, ———.

3rd Gore—Colonel, Thomas Taylor; Lieut.-Col., W. Lottridge; Major, Robert Land; Captains, Ephraim Land, Joseph Birney, David Kripps, Abel Land, David Kerns, William Davis, Elijah Secord, Daniel K. Servos, John Secord, Peter Hamilton; Lieutenants, Jacob Springstead, Henry Young, Jonathan Pettit, Simon Bradt, David Almas, William Rymal, Nathaniel Crowell,

John Depue, Adam Young, Thomas Choat, Abraham K. Smith, Henry Beasley; Ensigns, Thomas H. Taylor, Daniel Lewis, Ashman Pettit, Michael Aikman, Robert William Taylor, John Schnyder, James Wilson, James Lewis; Adjutant, ———; Quarter Master, ———; Surgeon, Oliver Tiffany.—Canniff, 650.

4th Gore—Colonel, ———; Lieut.-Col., Alex. Wishart; Major, William Chisholm; Captains, Thomas Smith, William Ellis, Thomas Lucas, Ward Smith, Robert Murray, W. G. Woolcot, William Holme, Luke V. Spurr; Lieutenants, Jacob Cochenour, Aaron D. Vrooman, Peter VanEvery, William Coulson, John Holme, John VanHorne, Thomas Graham, John Beatty; Ensigns, James Jones, Zephania Sexton, Charles VanEvery, Alpheus Smith, Richard Ferguson, Samuel Smith, Henry Nellis, William Van Allen; Adjutant, ———; Quarter Master, John McAlpin Cameron; Surgeon, ———.

### **JAMES CROOKS.**

James Crooks, colonel of the 1st Gore in 1824, was born in Kilmarnock, Scotland, in 1778. He came to Canada in 1791, and commanded a company of the 1st Lincoln Militia at Queenston Heights. After the war he settled in West Flamboro, where he established a small industrial colony, building and operating there, the first paper mill in Upper Canada. He was elected to the Legislative Assembly in 1820, and subsequently became a member of the Legislative Council, a member of which he remained until his death in 1860. (His Memorial, Can. Arc. Rept., 1898, p. 259-317.)

### **JAMES HAMILTON, M. D.**

James Hamilton, surgeon of the 1st Gore, who, with Oliver Tiffany of the 3rd regiment, supplied the surgery for the four regiments, was born in Lanarkshire, Scotland, in 1797. He settled in Ancaster in 1818, then the chief place of business between York and Niagara. In 1820 he built his residence at Springhill, West Flamboro, one of the most beautiful sites in Western

Canada, immediately above the town of Dundas, overlooking Burlington Bay and Lake Ontario. He married Ann Draper, the daughter of Major Richard Hatt, before referred to. He was one of the first directors of the Great Western Railway Company, and the first medical examiner for the Canada Life Assurance Company. In 1846 he was appointed Lieut.-Col. of the Third Halton Regt., on reconstruction of the limits. Dr. Hamilton died at Springhill in 1874.

Dr. Oliver Tiffany died and was buried at Ancaster in 1835, aged 72 years.

### THOMAS TAYLOR.

Thomas Taylor, Colonel of the Third Gore, had been an officer in the 41st regiment in the War of 1812; Fort Major at Fort George when it was attacked and taken on the 27th of May, 1813, and was present at the Battle of Stoney Creek, on the 6th of June, where, as testified in writing by Colonel Harvey, Taylor "behaved with great coolness and bravery and received several very severe wounds." Among his papers is a much-stained return of killed and wounded at the Battle of Stoney Creek, showing 23 killed, 136 wounded and 55 missing, the British loss for this important victory. Following is the return:

Killed				Wounded.									Missing	
	Lieutenants.	Sergeants.	Rank and File.	Majors.	Captains.	Lieutenants.	Ensigns.	Adjutants.	Fort Major.	Sergeants.	Doctors.	Rank and File.	Sergeants.	Rank and File.
Staff.	∴	∴	∴	∴	∴	∴	∴	∴	1	∴	∴	∴	∴	∴
8th Rgt.,	1	2	7	1	2	2	∴	∴	∴	∴	4	51	∴	13
49th Rgt.	∴	1	12	1	3	∴	1	1	∴	5	2	62	3	39
Total,	1	3	19	2	5	2	1	1	1	9	2	113	3	52



Staff—Fort Major Taylor, severely. ✕

8th Rgt. { Lieut. Hooker, killed.  
Major Ogilvy, severely, not dangerously.  
Capt. Mundy, do. do.  
Capt. Goldrick, slightly.  
Lieut. Weyland, do.  
Lieut. Boyd, do.

49th Rgt. { Major Plenderleath, severely.  
Br. Major Clarke, dangerously.  
Br. Major Dennis, slightly.  
Capt. Manners, slightly.  
Ensign Drury, dangerously.  
Adj. Stearn, slightly.

*afterwards*

*✕ See also Taylor  
of Wentworth*

From a letter dated Niton, Isle of Wight, 19th Nov., 1803, addressed to his wife's sisters, Mary and Sally Bell, care of Mr. Bell, Surgeon, Newry, Ireland, the following is taken:

“I have no hope of visiting home again for these two months unless Buonaparte declines his attempt at invasion, but it is generally expected that he will attempt it. Well-informed people think that poor Ireland will be the first object of his attack. I hope you will all be ready, and assisted by the strong arm of Providence, to resist him heart and hand. I have been some time stationed at this outpost, a small barrack in a dreary, solitary situation at the back of the island, opposite the French coast, with a Subaltern and a doctor's mate, who reads a lecture to me on physiology in the morning and plays the fiddle in the true Drummond style in the evening, etc.”

In 1814 Taylor was pay-master of the forces at York. In 1824 he was judge of the Gore District Court. It is often said that Judge Taylor was the first judge, but this is inconsistent with a list of judges of the several districts given in Mower's Almanac published in Montreal in 1819, wherein it appears that Richard Hatt was Judge of the Gore District Court in 1818. From the original commission before me it appears that Taylor was commissioned by the Court of King's Bench to take bail, etc., for the Gore District on the 15th of November, 1819, and for the Home District in January, 1825. He was commissioned Lieut. of the 41st Regt. of Foot, 13th Dec., 1810; Colonel of the 3rd Gore in April, 1823, and died in December, 1837. Colonel Taylor was

buried with military honors in the family burying ground of George Hamilton, Upper John street; the firing party being taken from the 12th Gore Regiment, of which he was then Colonel, under Major Elijah Secord and Captain John Law. No stone marks his last resting place, and the ground has been transferred to the city of Hamilton for park purposes. His portrait is from a miniature in the possession of Hamilton MacCarthy, R. C. A., of Ottawa, who has generously offered the County a bust in bronze of Judge Taylor on a suitable pedestal being provided. Thomas Taylor was called to the Bar of Upper Canada in Hilary Term, 1819, having produced evidence of his call to the bar in England. The order of the Court describing him in Niagara, and of the Middle Temple. He was elected a Bencher of the Law Society in 1820, and appointed official reporter to the courts about the same time. Taylor's reports (1823-1827) were the first law reports published in U. C. His wife, Eliza, died at Niagara, June 6, 1833.

### **JOHN McALPIN CAMERON.**

Quarter Master John McAlpin Cameron, of the 4th Gore, was the father of the late Chief Justice Sir Matthew Crooks Cameron, who was born in Wentworth.

### **ALEXANDER ROBERTSON.**

The first troop of cavalry in Wentworth was authorized in 1824, and the Gazette of the 18th of June of that year contained the following: "His Excellency is pleased to authorize the raising of a troop of cavalry within the limits of the Second Regiment of the Gore Militia to be attached to that regiment, and to appoint Alexander Robertson to be Captain thereof." Commission dated 23rd June, 1824.

Alexander Robertson was the son of Ross Robertson, Esq., of Foxbar, in Perthshire, Scotland, was born in 1798, came to Canada in 1819, and settled in Ancaster about the same time as James Hamilton. They had been friends at home.



CAPT. ALEXANDER ROBERTSON.





In 1826 he married Matilda, the eldest daughter of Colonel Titus Geer Simons, U. E. L. Sometime in the twenties, when the code of honour was in force there was a duel between Dr. Hamilton and Capt. McKay, in which Robertson was the former's second. The participants left Ancaster on horseback for the frontier in orthodox fashion, accompanied by their seconds and their surgeon, whose services, however, were not required, the seconds interfering after the first exchange.

Alexander Robertson removed his residence to London early in the thirties, where he commanded the London Cavalry through the troublesome times of 1837-8-9. He died in Goderich, in 1855.

The Gazette of 23rd of June, 1824, contained the following promotions in the 2nd Gore Regiment :

**To be Captains—** COMMISSIONS DATED.

Lieut. Peter McCollum, vice Atkinson promoted, . . . . .	June 18, 1824		
Lieut. Walter W. Simons, vice Chisholm promoted. . . . .	do 19	do	
Lieut. Duncan McQueen, vice Smith promoted in the			
4th Gore. . . . .	do 21	do	
Lieut. Alex. Brown, vice Brown promoted in 4th Gore	do 22	do	

**To be Lieutenants—**

Ensign Geo. King, vice McCullum promoted. . . . .	do 18	do	
Ensign Wm. Chisholm, vice Simons promoted. . . . .	do 19	do	
Ensign John Lawrason, vice McQueen promoted. . . . .	do 21	do	
Ensign Abner Everitt, vice Brown promoted. . . . .	do 22	do	
William Nevills, Gent, vice Lucas promoted in 4th Gore	do 23	do	
John McCullum, Gent, vice Smith promoted. . . . .	do 24	do	
John McCarthy, Gent, vice McKay resigned. . . . .	do 25	do	
Charles Biggars, Gent, to fill a vacancy. . . . .	do 26	do	
James Thompson, Gent, to fill a vacancy. . . . .	do 28	do	
Wm. McKay, Gent, to fill a vacancy. . . . .	do 29	do	

**To be Ensigns—**

George Notman, Gent, vice King promoted. . . . .	do 18	do	
Samuel Mullatt, Gent, vice Chisholm promoted. . . . .	do 19	do	
Wm. Young, Gent, vice Lawrason promoted. . . . .	do 21	do	
James Lafferty, Gent, vice Everitt promoted. . . . .	do 22	do	
Henry Johnson Kerr, vice Cochenour promoted in the			
4th Gore. . . . .	do 23	do	

**To be Quarter Master with the Rank of Ensign—**

Barnard Mulhollan, Gent, vice Nevills promoted. . . . .	do 18	do	
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**To be Surgeon—**

Nathaniel Bell, Esquire. . . . .	do 18	do	
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## 1831.

The next list we have is extracted from the Upper Canada and Provincial Calendar for 1831, by James G. Chewett, York, U. C., printed by R. Stanton, a book which bears the autograph of Robert Berrie, sometime Clerk of the Peace for Wentworth, a barrister, and an officer of the 1st Gore. The Gore Militia at this time had grown to five regiments. These lists contain the date of the officers' commissions, and cavalry officers are marked with a star.

**I. GORE.**

## COLONEL.

Jas. Crooks.....Apr. 2, 22

## LIEUTENANT-COLONEL.

Jas. Racey.....Dec. 15, 23

## MAJOR.

Jno. Westbrook.....May 4, 27

## CAPTAINS.

Jno. McIntyre.....June 12, 19

Daniel Showers.....do 12, 19

Matthew Crooks.....Mar. 29, 20

Geo. Rolph.....Apr. 3, 23

Philip Rymal.....do 4, 23

Jno. Aikman .....do 5, 23

Alex Aikman .....do 7, 23

Geo. Gurnett, Adj.....Apr. 27, 26

Edward Burton .....Sept. 11, 26

Wm. Richardson .....June 15, 27

John Petrie .....do 16, 27

Patrick Hamel .....May 12, 28

Geo. Rousseau.....do 12, 28

## LIEUTENANTS.

Nathan Crowell.....Apr. 9, 23

Wm. Kerby .....do 14, 23

John Burwell .....do 16, 23

John Findlay .....do 17, 23

Peter Horning .....do 19, 23

Robert Berrie .....do 21, 23

Wm. Slackleton .....June 15, 27

John B. McKay .....do 16, 27

Andrew Westbrook ....do 17, 27

Wm. Notman .....May 12, 28

Richard Hatt .....do 20, 30

## ENSIGNS.

James Durand .....Apr. 8, 23

Milcha Files .....do 10, 23

John Shaver .....do 11, 23

Andrew Edie .....do 12, 23

Wm. Robertson .....Apr. 27, 26

Thomas Perrin .....June 15, 27

John Wilkes .....do 16, 27

\*Thomas Butler .....May 10, 28

John Ryckman .. .....do 12, 28

James Chep .....do 13, 28

Edward Vanderlip .....do 20, 30

## ADJUTANT.

George Gurnett .....Apr. 27, 26

## QUARTER-MASTER.

Edward Wands .....May 20, 30

## SURGEON.

James Hamilton .....Apr. 2, 23

**II. GORE.**

## COLONEL.

Wm. Chisholm .....May 3, 30

## MAJOR.

John K. Simons.....Sept. 11, 26



## CAPTAINS.

Geo. Chisholm	Sept. 14, 20
Duncan McQueen	June 21, 24
Alex'r Brown	do 22, 24
*Alex'r Robertson	do 23, 24
George King	Sept. 11, 26
John Lawrason	do 12, 26
Chas. Biggar	do 13, 26
James Thompson	do 14, 26
Abner Everett	Cet. 25, 27
Wm. Neville	do 26, 27
George Notman	Oct. 18, 27

## LIEUTENANTS.

John McCarty	June 25, 24
Wm. McKay	do 29, 24
Wm. Young	Sept. 12, 26
James Lafferty	do 13, 26
Andrew Steven	do 13, 26
George Chalmers	do 15, 26
Alex. Proudfoot	do 16, 26

## ENSIGNS.

Samuel Mullett	June 19, 24
Henry Kerr	do 24, 24
John Keagy	Sept. 11, 26
John Willer Howell	do 12, 26
George Durand	do 13, 26
Andw. VanEvery	do 14, 26
James King	Oct. 22, 27
James Crooks	do 23, 27
Hiram Smith	do 24, 27
George Brown	do 25, 27
John Bastedo	do 26, 27

## ADJUTANT.

G. Notman, Capt.	Oct. 18, 27
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## QUARTER-MASTER.

Caleb Hopkins	Oct. 18, 27
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## SURGEON.

Nathaniel Bell	June 18, 24
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## III. GORE.

## COLONEL.

Thomas Taylor	Apr. 2, 23
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## LIEUTENANT-COLONEL.

Robert Land	May 25, 30
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## MAJOR.

Abel Land	May 25, 30
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## CAPTAINS.

Joseph Birney	Apr. 2, 23
Elijah Secord	do 2, 23
Danl. K. Servos	do 2, 23
John Secord	do 9, 23
Peter Hamilton	do 10, 23
Andw. T. Kirby	do 15, 23
Daniel Lewis	do 16, 23
Wm. B. VanEvery	Oct. 27, 27
Jonathan Petit	May 25, 30
Henry Beasley	do 26, 30

## LIEUTENANTS.

Jacob Springstead	Apr. 2, 23
Simon Bradt	do 4, 23
David Almas	do 5, 23
John Depue	do 10, 23
Adam Young	do 11, 23
Thomas Choate	do 12, 23
Abrm. K. Smith	do 15, 23
W. B. Sheldon, Q-M.	June 5, 25
Thomas H. Taylor	May 25, 30
Ashman Pettit	do 26, 30
*Michl. Aikman	do 27, 30
Robert W. Taylor	do 28, 30
John Schneider	do 29, 30

## ENSIGNS.

James Wilson	Apr. 23, 23
James Lewis	do 24, 23
J. B. Rousseau	May 25, 30
James Hughson	do 26, 30
David Springer	do 27, 30
R. Otto Proctor	do 28, 30

## QUARTER-MASTER.

W. B. Sheldon.....June 5, 25

## SURGEON.

Oliver Tiffany .....Apr. 2, 23

## IV. GORE.

## COLONEL.

John Chisholm .....Aug. 12, 24

## LIEUTENANT-COLONEL.

Allan MacNab .....May 24, 30

## MAJOR.

Thomas Smith .....May 24, 30

## CAPTAINS.

Wm. Ellis .....Sept. 12, 20  
 Alex. Chewett .....June 19, 23  
 Thomas Lucas .....Nov. 26, 23  
 Ward Smith .....do 27, 23  
 Robert Murray .....do 28, 23  
 William Holme .....Dec. 1, 23  
 Luke V. Speer.....do 2, 23  
 John Thornor, Adj.....July 22, 26

## LIEUTENANTS.

Jacob Cochenour .....Nov. 24, 23  
 Aaron D. Vrooman.....do 25, 23  
 Peter VanEvery .....do 26, 23  
 William Coulson .....do 27, 23  
 John Beatty .....Dec. 2, 23

## ENSIGNS.

James Jones .....Nov. 24, 23  
 Zephaniah Seton .....do 25, 23  
 Charles VanEvery .....do 26, 23  
 Alpheus Smith .....do 27, 23  
 Richard Ferguson .....do 28, 23  
 Samuel Smith .....do 29, 23  
 Henry Nelles .....Dec. 1, 23

## ADJUTANT.

John Thorner .....July 12, 26

## QUARTER-MASTER.

J. McA. Cameron .....Nov. 24, 23

## V. GORE.

## LIEUTENANT-COLONEL.

Wm. M. Jarvis.....May 3, 30

## MAJOR.

Peter McCollum .....May 3, 30

## CAPTAINS.

Henry Trout .....Sept. 11, 26  
 William Kent .....do 11, 26  
 Thomas Stevens .....do 11, 26  
 George Thompson .....do 12, 26  
 James McNab .....Oct. 16, 27  
 George Trout .....Oct. 17, 27  
 Thomas Fyfe .....do 18, 27  
 Adam Stull, Adj.....do 19, 27

## LIEUTENANTS.

Alex. Campbell .....Sept. 13, 26  
 Wm. Campbell .....do 14, 26  
 William Trout .....Oct. 16, 27  
 Archd. McKinnon .....do 17, 27  
 John Burns .....do 19, 27

## ENSIGNS.

Alex. McNab .....Sept. 12, 26  
 Stephen McCollum .....do 15, 26  
 Henry Fyfe .....Oct. 13, 27  
 John O'Reilly .....do 14, 27  
 John Meredith .....do 15, 27  
 Dugald Livingstone .....do 17, 27  
 Angus McCall .....do 17, 27  
 John Fisher .....do 18, 27  
 James Stevens .....do 19, 27

## ADJUTANT.

Adam Stull, Capt.....Oct. 19, 27

## QUARTER-MASTER.

John Burns .....Oct. 19, 27



QUARTER-MASTER JOHN McALPIN CAMERON.





As yet we have found no list of Gore Militia between 1831 and 1838. During the rebellion four Battalions of Incorporated Militia were raised in the Province, the 1st Battalion being raised in Wentworth under Col. Gourlay, late of the Welsh Fusiliers, and Allan N. MacNab. Besides these the Militia force consisted of 12 Provincial battalions, 106 regiments of country Militia and 31 corps of artillery, cavalry and rifles.

From a general order of 13th December, 1838, we find the following appointments to the 3rd and 12th Gore Regiments, and that the Gore Militia had then twelve regiments. Following is the list :

### APPOINTMENTS.

#### THIRD GORE REGIMENT.

13th December, 1838.

##### To be Captains—

Lieut. Miles O'Reilly  
 Capt. Richard O. Duggan, from  
 First East York.  
 Henry Cornwall, Esq., late of  
 the First West India Regt.  
 Lieut. James Hughson  
 John Snider, Esq.  
 Thomas Lotridge, Esq.  
 Isaac Webster, Esq.  
 Robert F. Ainslie, Esq.

##### To be Lieutenants—

Robert Berrie, Gent  
 Hamilton R. O'Reilly, late of  
 the London Volunteers.  
 James W. Ritchie, Gent.  
 Daniel C. Gunn, Gent.  
 Alex. Fee, Gent.  
 George S. Tiffany, Gent.  
 Hugh B. Wilson, Gent.  
 John Bradley, Gent.  
 Francis G. Stanton, Gent.  
 Thomas Allen Blythe, Gent  
 John Cameron, Gent.

##### To be Ensigns—

John A. Land, Gent.  
 Robert Land, Junr., Gent.

Charles McGill, Gent.  
 John Ferrie, Gent.  
 Robert Wetherell, Gent.  
 William Kearns, Gent.  
 George Hughson, Gent.  
 Andrew Stewart, Gent.

##### To be Quarter-Master.

Lieut. John Cameron.

#### TWELFTH REGIMENT, GORE.

##### To be Major—

Captain Elijah Secord, from  
 Third Gore.  
 George Leith, Esquire  
 Andrew Newell, Esq.  
 John Williamson, Tsq.  
 Nathaniel Hughson, Esq.  
 Alexander Calder, Esq.  
 Henry Morgan, Esq.  
 James L. Willson, Esq.

##### To be Lieutenants—

Henry Magill, Gent.  
 James Duff, Gent.  
 William Benner, Gent.  
 John Gage, Gent, from Third  
 Gore.  
 John McKerlie, Gent.  
 William Gage, Gent.  
 Peter Gage, Gent.

Charles Depew, Gent.  
John Carpenter, Gent.  
Levi Lewis, Gent.

Elijah W. Secord, Gent.  
Alexander Duff, Gent.

**To be Ensigns—**

John Lee, Gent, from Third Gore.  
William Alexander, Davis, Gent.  
John McDavid, Gent.  
David Kerns, Gent.  
Matthew B. Secord, Gent.  
Henry Carpenter, Gent.  
Thomas Davis, Gent.  
Elisha Bingham, Gent, from  
Third Gore.

**To be Paymaster—**

William Blackie, Esq.

**To be Surgeon—**

— McCartney, Esq.

**To be Quarter-Master—**

John Galbraith, Gent.

**1837.**

The Third Gore Regiment did duty in and about Hamilton in 1837-8. From the orderly book of Captain Daniel Lewis it appears that service commenced on the 6th of December, 1837, the day before the attack on Toronto, known as the Battle of Gallows Hill. Colonel MacNab took 60 "men of Gore" to Toronto by steamer that day to the great satisfaction of the Governor. A regimental order directed that Captain Gourlay, late of the 23rd Regiment, "will be pleased to superintend all duties and give the necessary instructions to Sergt. Major Powell," etc. On the 16th the detail included a Main Guard of 40 men under Lieut. John Lee—a guard at Dundurn, called the "Castle Guard," under Lieut. A. Pettit, which was posted at "the Battery Lodge at Col. MacNab's," the Bank Guard, under Ensign H. Lutz, and a Guard at Beasley's Hollow, under Lieut. John Snider, the Mountain Picquet at the Mountain View, under Lieut. F. Snider, and the Town Picquet under Lieut. James Lewis. Other commissioned officers were Capt. John Urquhart, Adjt. Thos. Nichols, Capt. Thos. Wilson, Capt. John McDavid, Capt. Henry Beasley, Ensign Levi Lewis, Lieut. Chas. McGill, Lieut. G. F. Stanton, Ensign Conn, Capt. James Hughson, Lieut. John Gage, Ensign Duff, Ensign Griffin, W. Scott-Burn, Lieut. Thos. Davis, Lieut. J. M. Pettit, Sergt. James Coombs, David Gilkison, Abram Springstead, W. W. Secord, Henry Watts, Capt. Wm.



Lane, Lieut. John Doyle, Lieut. J. D. Oliver, Lieut. J. M. Parkins, Lieut. H. E. Carpenter, Capt. Jos. Birney, Capt. Peter H. Hamilton, Capt. Servos, Lieut. Wm. Hill, Lieut. John Young, Ensign James Duff.

On the 28th of December a general order advised the Colonel "that a most unprovoked attack has lately been made upon our frontier by a number of citizens of the State of New York, who have collected in arms and offer publicly the land of this Province as a booty to their followers," and reference was made to the Militia Act of 1808, requiring Militia men to bring with them to the point to which they might be ordered, a serviceable "gun, fusil or musket," and six rounds of powder and ball.

In 1837 a Mr. Bailey kept an eating and lodging house at the corner of Main and John streets, known as "David Farley's Corner." During the troubles—but whether before or after the attack on Toronto in December, is not related—two rooms were secured at Bailey's for MacKenzie by Ebenezer Griffin, of Waterdown, MacKenzie being unknown to the landlord. MacKenzie planted a table in front of the Court House, and was soliciting signatures to one of his many protests or petitions. After he retired, Mr. Kerr, of Wellington Square, and George Pettit, of Tapleystown, enquired at Bailey's for MacKenzie, whereupon Mr. Bailey fainted "at the foot of the stairs." MacKenzie was dragged to the street, after a scuffle, but was rescued and piloted at night into Nelson, it is said to Dr. Rolph's, on Dundas street, and thence to Toronto. (M. A. Bailey's statement.)

Note—Mr. George D. Griffin, now of Parkdale, Toronto, Ont., was the second son of Ebenezer C. Griffin, of Waterdown, and was thirteen years of age in 1837. He says his father was friendly with Wm. L. MacKenzie, while he confined himself to constitutional methods, but broke with him sometime prior to the rebellion, and was bitterly attacked in the editorial columns of MacKenzie's paper. The militia gathered at E. C. Griffin's home in Waterdown at the time of the Gallows Hill affair, and he served with the militia on the Niagara River in 1838. He held a commission as Lieutenant in the 7th Gore Regiment, (See pp. 13-18, Vol. 3, Transactions Wentworth Historical Society.)

**JOSEPH BIRNEY.**

Joseph Birney was born in Orange County, N. Y., in 1777. His father lost his life in the Royal service, and his mother went to Nova Scotia, but moved to the head of Lake Ontario, first to reside at Robert Land's, and afterwards in Ne'son Township. In 1812 Joseph Birney was an Ensign in Samuel Hatt's company which accompanied Brock to Detroit. He was active at the Battle of Queenston Heights, and was wont to describe the grief of McDonell at the fall of his chief, and of his own heroic sacrifice. Birney's trade as a ship carpenter made him a useful man for the engineers. He built a bridge for the troops across the water gap at Burlington Heights, and was engaged in constructing defensive works on Burlington Plains during the Battle of Stoney Creek, for use in the event of retreat from the heights. In 1821 he was a lieutenant in the 1st Gore and was a captain in the 3rd Gore, Col. Taylor's regiment, in 1823. He was one of the "men of Gore" at Montgomerie's in 1837. He related how Capt. George Chisholm lead the men into action. As the company was crossing the open, a bullet struck the stock of Chisholm's musket with such force as to knock Chisholm down. One of his company dropped on his knee, and taking deliberate aim at a rebel sharpshooter behind a stump, shot him through the head. Whether this man was the only rebel killed, referred to by Mr. Dent, we cannot say.

**CAPTAIN GEORGE GORDON LEITH.**

Captain George Gordon Leith, of the 3rd Gore, in 1838, was born in Armagh, Ireland, in 1812. His father being Adjutant General of the Forces in Ireland at the time. He came to Canada in 1834 and settled in Binbrook, where he remained until the death of his father, when he returned to Scotland, where he married and resided until 1854. Returning then to Canada, he took up his abode at the Hermitage in Ancaster, where he lived until his death in 1887. Captain Leith was visited in Binbrook by his



CAPT. GEORGE GORDON LEITH.





father, Major General Sir George Leith, Bart, who there expended considerable sums in roadways and other public works. It is noteworthy that Mr. Leith and Col. Gourlay came about the same time, just before the rebellion, and were neighbors. Sir George Leith was the son of Sir Alexander Leith, who was killed at the siege of Havana. He entered the army at an early age, his first commission being in the 88th Regt., in 1779. He served in Jamaica and joined the 71st Regt at Madras in 1786, and was present under Lord Cornwallis at the Siege of Seringapatam in May, 1799, and saw considerable service under Sir Arthur Wellesley. He was appointed Governor—the whole civil and military authority—of Penang, in 1800, a position he held until 1806, receiving while there a costly set of Indian china, a gift from the King of Burmah, in recognition of his services. After a service of nineteen years in India, he returned home and was appointed Asst. Adjt.-General in Ireland, and in 1813 Lieut.-Colonel of the 42nd Highland Regt., and a Major General in 1819. Sir George Leith died in Edinburgh in 1842, aged 76. (*Gentleman's Mag*, 1842.)

From Fothergill's almanac of 1839, a full list of the officers of the Gore District Militia is taken, including the territorial limits of each regiment, together with the date of commissions, from which it would appear that in 1838 there was a patriotic response to the alarm created by the MacKenzie rebellion, and we remember that those who opposed him were resisting more than a fight for enlarged popular rights; they were opposing, also, an open attempt to subvert British rule in Canada, and to create a republic therein :

**1st REGIMENT GORE.****MAJOR.**

Limits: Township of Ancaster and the adjacent Indian lands. James Aikman .....Nov. 27, 38

**COLONEL.****CAPTAINS.**

— — — — — Jas. Geddes .....May 19, 36  
R'd Hall .....do 20, 36  
LIEUTENANT-COLONEL. J. E. Wilkes .....do 23, 36  
Matt. Crooks .....Sept. 8, 38 Jas. Chep .....June 2, 36

John Almas .....Nov. 27, 38  
 Jos. Rymal .....do 27, 38  
 Alex. Binkley.....do 27, 38  
 Thos. Crooks .....do 27, 38  
 Fred'k Suter .....do 27, 38  
 Jas. Sampson .....do 27, 38

## LIEUTENANTS.

Wm. Kirby .....Apr. 14, 23  
 Ed. Vanderlip .....May 19, 36  
 Philip Staver .....Nov. 27, 38  
 Preserved Cooley .....do 27, 38  
 Sam'l Hamil .....do 27, 38  
 J. Ashborough .....do 27, 38  
 Thos. Burry .....do 27, 38  
 Sam'l Aikman .....do 27, 38  
 Jno. McKenzie .....do 27, 38  
 J. C. Chadwick.....do 27, 38

## ENSIGNS.

Chas. Brown .....Nov. 27, 38  
 Wm. McIntyre .....do 27, 38  
 G. Chrysler .....do 27, 38  
 Jas. Fields .....do 27, 38  
 Wm. Martin .....do 27, 38  
 R'd Wardle .....do 27, 38  
 M. Hendershot .....do 27, 38  
 Jas. Murray .....do 27, 38  
 G. P. Rousseau .....do 27, 38  
 John Crooks .....do 27, 38

## ADJUTANT.

J. S. Sampson .....do 27, 38

## SURGEON.

Thos. Rolph .....July 2, 38

## CAVALRY.

## CAPTAIN.

Alex'r Milne .....Nov. 2, 38

## LIEUTENANT.

R. P. Crooks .....Nov. 2, 38

## CORNET.

J. W. Cooley .....Nov. 2, 38

## 2nd GORE REGIMENT.

Limits: Township of Trafalgar.

## COLONEL.

Wm. Chisholm .....May 3, 30

## LIEUTENANT-COLONEL.

Chas Bigger .....Nov. 9, 38

## MAJOR.

Alex. Proudfoot .....Nov. 9, 38

## CAPTAINS.

Geo. Notman .....Oct. 18, 27  
 Jas. King .....Nov. 9, 38  
 Geo. Brown .....do 9, 38  
 Geo. Sproat .....do 9, 38  
 G. R. Chisholm.....do 9, 38  
 Joseph Bowes .....do 9, 38  
 Amos Biggar .....do 9, 38  
 Angus McQueen .....do 9, 38  
 Wm. Bussell .....do 9, 38  
 J. B. Harrison .....do 9, 38  
 Wm. Hutton .....do 9, 38  
 J. S. Diamond .....do 9, 38  
 Merrick Thomas .....do 9, 38

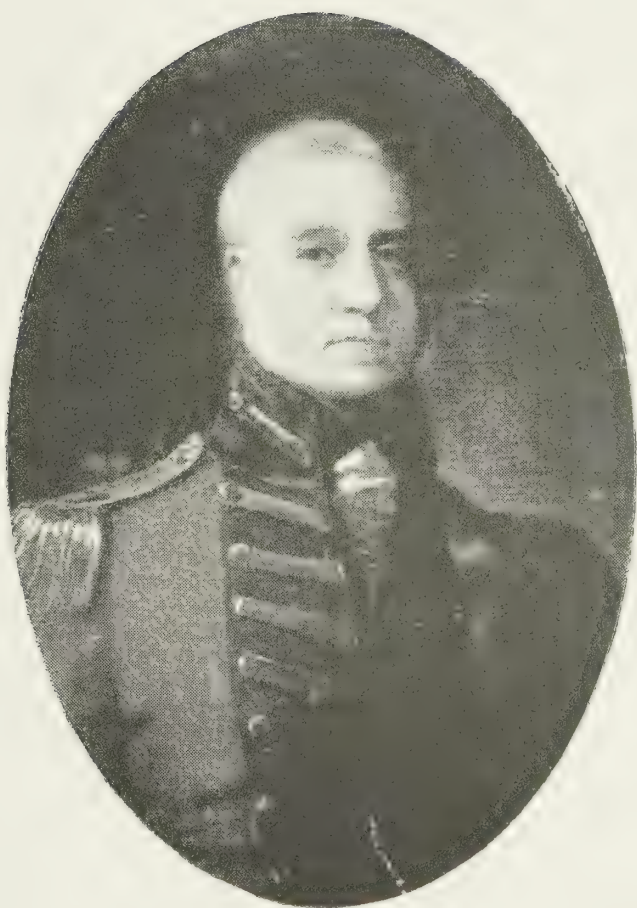
## LIEUTENANTS.

Robt. Smith .....Nov. 9, 38  
 Levi Wilson .....do 9, 38  
 R. K. Chisholm .....do 9, 38  
 Wm. Biggar .....do 9, 38  
 Aug. Smith .....do 9, 38  
 Amos Jeffrey .....do 9, 38  
 Rob't Webster .....do 9, 38  
 John Street .....do 9, 38  
 P. Lawrence .....do 9, 38  
 Thos. Lloyd .....do 9, 38

## ENSIGNS.

Jas. Belyea .....Nov. 9, 38  
 Sam'l Clark .....do 9, 38  
 R'd Biggar .....do 9, 38  
 Thos. Faux .....do 9, 38  
 S. C. Kenny .....do 9, 38  
 Geo. Marlatt .....do 9, 38  
 Jas. Young .....do 9, 38  
 J. Ferguson .....do 9, 38  
 Wm. Chisholm .....do 9, 38  
 Geo. Marlatt .....do 9, 38





MAJOR-GEN. SIR GEORGE LEITH, BART.



## ADJUTANT.

Geo. Notman .....Oct. 18, 27  
J. B. Diamond .....Nov. 9, 38

## QUARTER-MASTER.

Ed. Anderson .....do 9, 38

## SURGEON.

W. McPherson .....Nov. 9, 38

## ASST. SURGEON.

R. Richardson .....Nov. 9, 38

## CAVALRY.

## CAPTAIN.

J. L. Biggar .....Nov. 9, 38

## LIEUTENANT.

O. Hammond .....Nov. 9, 38

## CORNET.

John Back .....Nov. 9, 38

## 1st LIEUTENANT.

Jas. Arnott .....Nov. 9, 38

## 2nd LIEUTENANT.

W. Delmage .....Nov. 9, 38

## 3rd GORE.

Limits: Town of Hamilton and  
Township of Barton.

## COLONEL.

Sir A. N. MacNab ....May 4, 36

## LIEUTENANT-COLONEL.

Robt. Land .....May 25, 30

## MAJOR.

Abel Land .....May 25, 30

## CAPTAINS.

Jos. Birney .....Apr. 2, 23

W. B. VanEvery .....Oct. 17, 27  
John Pettit .....Mar. 25, 30  
Henry Beasley .....do 26, 30  
Thos. Choat .....do 27, 30  
M. O'Reilly .....Dec. 13, 38  
R'd O. Duggan .....do 13, 38  
H. Cornwall .....do 13, 38  
Jas. Hughson .....do 13, 38  
John Snider .....do 13, 38  
T. Lottridge .....do 13, 38  
Isaac Webster .....do 13, 38  
R. F. Ainslie .....do 13, 38

## LIEUTENANTS.

J. Springstead .....Apr. 2, 23  
Simon Bradt .....do 4, 23  
David Almas .....do 5, 23  
John Depue .....do 10, 23  
Adam Young .....do 11, 23  
Ab'm R. Smith .....do 15, 23  
W. B. Sheldon .....June 5, 25  
J. H. Taylor.....May 25, 30  
Ashman Pettit .....May 26, 30  
M. Aikman .....do 27, 30  
R. W. Taylor .....do 28, 30  
J. Snider .....do 29, 30  
Jas. Lewis .....do 27, 31  
Robert Berrie .....do 27, 31  
H. R. O'Reilly .....do 27, 31  
J. W. Ritchie .....do 27, 31  
D. C. Gunn .....do 27, 31  
Alex. Fee .....do 27, 31  
G. S. Tiffany .....do 27, 31  
H. B. Wilson .....do 27, 31  
John Bradley .....do 27, 31  
F. G. Stanton .....do 27, 31  
T. A. Blythe .....do 27, 31  
J. Cameron .....do 27, 31

## ENSIGNS.

Jas. Hughson .....May 16, 30  
D. Springer .....do 27, 30  
R. O. Proctor .....do 28, 30  
John J. Law .....do 27, 31  
J. McDavid .....do 27, 31  
M. O'Reilly .....do 27, 31  
C. C. Ferrie .....do 27, 31  
D. Kearns .....do 27, 31  
J. A. Land .....Dec. 13, 38  
Rob't Land, Jr. ....do 13, 38  
Chas McGill .....do 13, 38



John Ferrie .....Dec. 13, 38  
 R. Weatherall .....do 13, 38  
 Geo. Hughson .....do 13, 38  
 And'w Stewart .....do 13 38

#### ADJUTANT.

R. W. Taylor .....do 13, 38

#### QUARTER-MASTER.

W. B. Sheldon .....June 5, 25  
 John Cameron .....do 6, 35

#### SURGEON.

Gerald O'Reilly .....June 6, 35

#### PAYMASTER.

W. Scott Burn .....Apr. 7, 38

#### CAVALRY.

##### CAPTAIN

D. Servos .....Apr. 2, 23

##### SECOND CAPTAIN.

W. Aikman .....Oct. 4, 37

##### LIEUTENANT.

John Land .....Oct. 4, 37

##### SECOND LIEUTENANT.

R. J. Hamilton .....Oct. 4, 37

##### CORNET.

J. B. Rosseau .....May 25, 30

#### 4th REGIMENT GORE.

Limits: Township of Dumfries.

##### COLONEL.

Wm. Dickson .....Apr. 23, 28

##### LIEUT.-COLONEL.

A. M'Donnell .....Dec. 7, 37

#### MAJOR.

Thos. Smith .....May 7, 37

#### CAPTAINS.

Wm. Ellis .....Sept. 12, 21  
 Alex. Chewitt .....Jan. 19, 23  
 Thos. Lucas .....do 26, 23  
 Ward Smith .....do 27, 23  
 Rob't Murray .....do 28, 26  
 Wm. Halme .....Dec. 1, 26  
 L. N. Spurr .....do 2, 26  
 John Thorner .....Feb. 22, 26

#### LIEUTENANTS.

J. Cocheneur .....Nov. 24, 23  
 D. Vrooman .....do 25, 23  
 P. S. Every .....do 26, 23  
 Wm. Coulson .....do 27, 23  
 John Beaty .....Dec. 2, 23

#### ENSIGNS.

James Jones .....Nov. 24, 23  
 Z. Senton .....do 25, 23  
 G. V. Every .....do 26, 23  
 Alpheus Smith .....do 27, 23  
 R. Ferguson .....do 28, 23  
 Sam Smith .....do 29, 23  
 Henry Nellis .....Dec. 1, 23

#### ADJUTANT.

John Thorner .....July 22, 26

#### QUARTER-MASTER.

Jno. McAlpine Cameron Nov. 24, 23

#### 5th REGIMENT GORE.

Limits: Townships of Nassagawega and Esquesing.

##### COLONEL.

George Chalmers .....July 5, 38

##### LIEUT.-COLONEL.

P. M'Colm .....Nov. 9, 38

## MAJOR.

Wm. Kent .....Nov. 9, 38

## CAPTAINS.

Alex. Campbell .....Nov. 9, 38  
 Wm. Campbell .....do 9, 38  
 A. McKinnon .....do 9, 38  
 John Burns .....do 9, 38  
 A. McNab .....do 9, 38  
 Jas. Stevens .....do 9, 38  
 Alex. Campbell .....do 9, 38  
 Wm. Clay .....do 9, 38  
 Adam Sproat .....do 9, 38  
 E. Leonard .....do 9, 38

## LIEUTENANTS.

Wm. Logie .....do 9, 38  
 Thos. Chisholm .....do 9, 38  
 Wm. Stull .....do 9, 38  
 Alex. McCann .....do 9, 38  
 Wm. Morrison .....do 9, 38  
 Geo. Thompson .....do 9, 38  
 Wm. Armstrong .....do 9, 38  
 Robt. Morrison .....do 9, 38  
 J. McKinnon .....do 9, 38  
 David Carridice .....do 9, 38

## ENSIGN.

A. McKinnon .....Nov. 9, 38  
 Wm. McKenney .....do 9, 38  
 Thos. Burns .....do 9, 38  
 James Sterret .....do 9, 38  
 A. McQuarrie .....do 9, 38  
 Rob't Moffatt .....do 9, 38  
 J. Kimmerman .....do 9, 38  
 John Dynes .....do 9, 38  
 J. Standish .....do 9, 38  
 J. B. Switzer .....do 9, 38

## ADJUTANT.

James McNabb .....do 9, 38

## QUARTER-MASTER.

Thos. Joyce .....do 9, 38

## SURGEON.

Jas. Cobban .....do 9, 38

## CAVALRY.

## CAPTAIN.

Alex. Lewis .....do 9, 38

## LIEUTENANTS.

J. Donaldson .....do 9, 38

## CORNET.

Geo. Lynd .....do 9, 38

## 6th REGIMENT GORE.

Limits: Township of Guelph.

## COLONEL.

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## LIEUT.-COLONEL.

Brook Young .....Jan. 5, 38

## MAJOR.

— — —

## CAPTAINS.

John Poore .....Aug. 19, 30  
 Geo. Wilson .....do 19, 30  
 R. P. Webb .....do 19, 30  
 Henry Strange .....do 19, 30  
 Thos. Saunders .....do 19, 30  
 Jeffrey Lynch .....do 19, 30  
 Ed. Heath .....do 19, 30  
 Jno. Smith .....do 19, 30

## LIEUTENANTS.

Wm. Alexander .....do 19, 30  
 Wm. Thompson .....do 19, 30  
 Geo. Guage .....do 19, 30  
 Ed. Heaney .....Jan. 5, 38  
 Wm. Davis .....do 5, 38  
 Geo. Roods .....do 5, 38

## ENSIGN.

Thos. Kennedy .....Aug. 19, 35  
 Walter Fulton .....do 19, 35  
 John Speers .....do 19, 35  
 Chas. Grange .....do 19, 35

Ed. Thompson.....Aug. 19, 35  
 Geo. Harvey .....do 19, 35  
 J. Weatherall .....do 19, 35  
 Frank Smith .....do 19, 35

#### ADJUTANT.

Ed. Thompson .....Aug. 19, 35

#### QUARTER-MASTER.

James Corbett .....Jan. 5, 38

#### 7th REGIMENT GORE.

Limits: Township of Flamboro,  
 East and West.

#### COLONEL.

J. Chisholm .....Apr. 23, 38

#### LIEUT. COLONEL.

Alex. Brown .....May 15, 38

#### MAJOR.

And. Stevens .....May 15, 38

#### CAPTAINS.

James Crooks .....May 15, 38  
 Fred. Fields .....do 15, 38  
 John O. Hatt .....do 15, 38  
 W. M. Shaw .....do 15, 38  
 H. Young .....do 15, 38  
 B. Overfield .....do 15, 38  
 Alex. Brown .....do 15, 38  
 Robt. McNaught .....do 15, 38  
 Joseph Davis .....do 15, 38

#### LIEUTENANTS.

J. Patterson .....do 15, 38  
 Wm. Miller .....do 15, 38  
 John Weir .....do 15, 38  
 E. C. Griffin .....do 15, 38  
 John Millar .....do 15, 38  
 Thos. Smith .....do 15, 38  
 Robt. Lottridge .....do 15, 38  
 J. G. Chisholm .....do 15, 38

#### ENSIGNS.

J. Farquharson .....May 15, 38

Wm. Brown .....May 15, 38  
 David Persons .....do 15, 38  
 Robt. Dickie .....do 15, 38  
 R. Kirkpatrick .....do 15, 38  
 Kenneth Wishart .....do 15, 38  
 A. M. Chisholm .....do 15, 38  
 Absalom Griffin .....do 15, 38  
 J. Ferguson .....do 15, 38

#### ADJUTANT.

Joseph Davis .....do 15, 38

#### QUARTER-MASTER.

R. M. Wheeler .....do 15, 38

#### 8th REGIMENT GORE.

Limits: Township of Nelson.

#### COLONEL.

Geo. Chisholm .....Apr. 23, 38

#### LIEUT.-COLONEL.

Wm. McKay .....May 15, 38

#### MAJOR.

Hiram Smith .....May 15, 38

#### CAPTAINS.

A. W. K. Chisholm ...May 15, 38  
 T. Cooper .....do 15, 38  
 James Wilson .....do 15, 38  
 W. O'Reilly .....do 15, 38  
 John Wettenhall .....do 15, 38  
 Joshua Ireland .....do 15, 38  
 John Lucas .....do 15, 38  
 John McGregor .....do 15, 38  
 J. F. Bastido .....do 15, 38  
 J. A. Chisholm .....do 15, 38

#### LIEUTENANTS.

And. Pettit .....May 15, 38  
 David Bastids .....do 15, 38  
 J. S. McCallum .....do 15, 38  
 Wm. O'Reilly .....do 15, 38  
 A. G. McKay .....do 15, 38  
 Wm. Earls .....do 15, 38  
 W. Spence .....do 15, 38  
 James Langtry .....do 15, 38  
 Jacob Bastids .....do 15, 38  
 James Panton .....do 15, 38



## ENSIGNS.

D. McGregor	May 15, 38
John Atkinson	do 15, 38
Wm. McKirley	do 15, 38
Thos. Atkinson	do 15, 38
Geo. Crooks	do 15, 38
Wm. Panton	do 15, 38
Robt. Millar	do 15, 38
Ed. Thompson	do 19, 35

## ADJUTANT.

James Panton	May 15, 38
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## QUARTER-MASTER.

W. D. Chisholm	May 15, 38
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## SURGEON.

Nath. Bell	May 15, 38
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## 9th REGIMENT. GORE.

Limits: Townships of Waterloo, Woolwich, Wilmot and the adjacent Clergy Reserves.

## 10th GORE REGIMENT.

Limits: Town and Township of Brantford.

## COLONEL.

Arnold Burrows	Mar. 20, 38
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## LIEUT.-COLONEL.

W. Richardson	May 8, 38
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## MAJOR.

Thos. E. Wilby	May 8, 38
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## CAPTAINS.

J. Thomes	May 8, 38
Wm. Muirhead	do 8, 38
Robt. Buttersby	do 8, 38
J. K. Buchanan	do 8, 38
J. Wilds	do 8, 38
R. Cotton	do 8, 38
T. Gore Swayze	do 8, 38
James Wilkes	do 8, 38
Alex. Bunnell	do 8, 38
Thos. Burrows	do 8, 38

## LIEUTENANTS.

Francis Gordon	May 8, 38
Charles Dixon	do 8, 38
John Coles	do 8, 38
R. W. Burrows	do 8, 38
Angus Bethune	do 8, 38
Joseph Smith	do 8, 38
Geo. Richardson	do 8, 38
Francis Hunter	do 8, 38
Sam. McKnight	do 8, 38

## ENSIGNS.

Thomas Racey	May 8, 38
Arnold Burrows	do 8, 38
Wm. H. Yeoward	do 8, 38
Wm. Robertson	do 8, 38
John Biles	do 8, 38
Thos. Haney	do 8, 38
Ab'm Hawley	do 8, 38
John J. Files	do 8, 38

## ADJUTANT.

T. Wakeman	Nov. 13, 38
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## QUARTER-MASTER.

J. Gardiner	May 8, 38
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## SURGEON.

James Dixon	May 8, 38
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## PAY MASTER.

J. Muirhead	Nov. 1, 38
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## CAVALRY.

## CAPTAIN.

M. Wilson	May 8, 38
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## LIEUTENANT.

A. Westbrook	May 8, 38
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## CORNET.

Russell O'Dea	May 8, 38
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**11th GORE REGIMENT.**Limits: Townships of Beverly  
and Pushlinch.**COLONEL.**

A. T. Kirby .....Apr. 23, 38

**LIEUT.-COLONEL.**

J. Hamilton .....May 15, 38

**MAJOR.**

Edward Heath .....May 25, 38

**CAPTAINS.**

Adam Ainslie .....May 25, 38  
 Robt. Haniell .....do 25, 38  
 A. Vrooman .....do 25, 38  
 A. Cornell, Sen. ....do 25, 38  
 B. Babbington .....Jan. 30, 38  
 J. Hammersley .....do 30, 38  
 Adam Robertson .....do 30, 39  
 R. W. Kerr .....do 30, 39

**LIEUTENANT.**

James Jones .....Jan. 30, 39  
 Hugh Fairgrave .....do 30, 39  
 Aaron Cornell, Jun. ....do 30, 39  
 Samuel Congo .....do 30, 39  
 C. C. Fields .....do 30, 39  
 T. C. Jarney .....do 30, 39  
 F. M. Stone .....do 30, 39  
 Henry William .....do 30, 39  
 T. L. C. Leathers .....do 30, 39

**ENSIGNS.**

Wm. Leslie .....May 25, 38  
 James Lynch .....Jan. 30, 39  
 Geo. Colclough .....do 30, 39  
 T. Laureson .....do 30, 39  
 John Heath .....do 30, 39  
 Francis Kerr .....do 30, 39  
 John Fairgrave .....do 30, 39

**QUARTER-MASTER.**

John Ennis .....Jan. 30, 39

**12th REGIMENT. GORE.**Limits: Township of Glanford,  
Binbrook and Saltfleet.**COLONEL.**

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**LIEUT.-COLONEL.**

W. Gourlay .....Dec. 24, 38

**MAJOR.**

E. Secord .....Dec. 24, 38

**CAPTAINS.**

John Secord .....Dec. 24, 38  
 Dan. Lewis .....do 24, 38  
 Geo. Leith .....do 24, 38  
 Andrew Newal .....do 24, 38  
 John Williamson .....do 24, 38  
 N. Hughson .....do 24, 38  
 Alex. Calder .....do 24, 38  
 Henry Morgan .....do 24, 38  
 Jas. L. Willson .....do 24, 38

**LIEUTENANTS.**

Henry McGill .....Dec. 24, 38  
 James Duff .....do 24, 38  
 Wm. Benner .....do 24, 38  
 John Gage .....do 24, 38  
 John McKirley .....do 24, 38  
 Peter Gage .....do 24, 38  
 Robt. Gage .....do 24, 38  
 Chas. Depew .....do 24, 38  
 John Carpenter .....do 24, 38  
 Levi Lewis .....do 24, 38

**ENSIGNS.**

John Lee .....Dec. 24, 38  
 Wm. Alex. Lewis .....do 24, 38  
 John M. David .....do 24, 38  
 David Kearns .....do 24, 38  
 Mat. B. Secord .....do 24, 38  
 H. Carpenter .....do 24, 38  
 Thos. Davis .....do 24, 38  
 Elisha Bingham .....do 24, 38  
 E. W. Secord .....do 24, 38  
 Alex. Duff .....do 24, 38



CAPT. ALEXANDER ROXBURGH.





## QUARTERMASTER.

John Galbraith .....Dec. 24, 38

## SURGEON.

Wm. Henry McCartney..Dec. 24, 38

## PAY MASTER.

Wm. Blackie .....do 24, 38

## 13th REGIMENT GORE.

Limits: Township of Nicol, Er-  
mosa, Erin and Garafraxa.

## COLONEL.

A. Ferguson .....Mar. 20, 38

## LIEUT.-COLONEL.

Wm. Hewart .....Sept. 27, 38

## MAJOR.

James Webster .....Sept. 27, 38

## CAPTAINS.

Wm. Buist .....Sept. 27, 38  
 Henry Trout .....do 27, 38  
 T. W. Valentine .....do 27, 38  
 Thos. Webster .....do 27, 38  
 A. C. Huntley .....do 27, 38  
 A. D. Ferrar .....do 27, 38

J. M. Clean .....Sept. 27, 38  
 Wm. Renney .....do 27, 38  
 D. Henderson .....do 27, 38  
 J. M'Kee .....do 27, 38

## LIEUTENANTS.

D. B. Ferguson .....Sept. 27, 38  
 Alex. Drysdale .....do 27, 38  
 John Valentine .....do 27, 38  
 R. M'Donald .....do 27, 38  
 Alex. Campbell .....do 27, 38  
 J. Dinwodie .....do 27, 38  
 D. Bernard .....do 27, 38  
 John Kennedy .....do 27, 38  
 J. Smith .....Apr. 27, 38  
 James O'Reilly .....do 27, 38

## ENSIGNS.

C. C. Hamilton .....Apr. 27, 38  
 T. R. Brock .....do 27, 38  
 Thos. Callendice .....do 27, 38  
 Mat. Smith .....do 27, 38  
 James Ross .....do 27, 38  
 S. Broadfoot .....do 27, 38  
 Alex. Harvey .....do 27, 38  
 Jos. Mair .....do 27, 38  
 J. Graham .....do 27, 38

## ADJUTANT.

Wm. Buist .....Sept. 27, 38

## QUARTER-MASTER. . . .

Hugh Black .....Sept. 27, 38

## CAPTAIN ALEXANDER ROXBURGH.

Capt. Alexander Roxburgh was born at Kirkcudbright, Scotland, in 1774. In 1799 he sailed for Canada, a fellow-passenger with Dr., afterwards Bishop, Strachan. In 1812, from among the settlers of Glengarry—mainly disbanded Highlanders—he raised a company in the Glengarry Light Infantry, and received a commission as Captain. "To the Jacobites of 1745, to the U. E. Loyalists of 1775," says Coffin, "was added a gallant band of Scottish soldiers, who had fought for the crown against Republican France from 1792 to 1803." The descendants of men who

had braved "Culloden's fateful moor," but whose loyalty was such, that regardless of names, genealogies or dynasties, they looked to the principle, and whether it was for James, or whether it was for George, struck heartily and home in the abiding sentiment of Bonnie Dundee:

"Ere the King's crown shall fall, there are crowns to be broke."

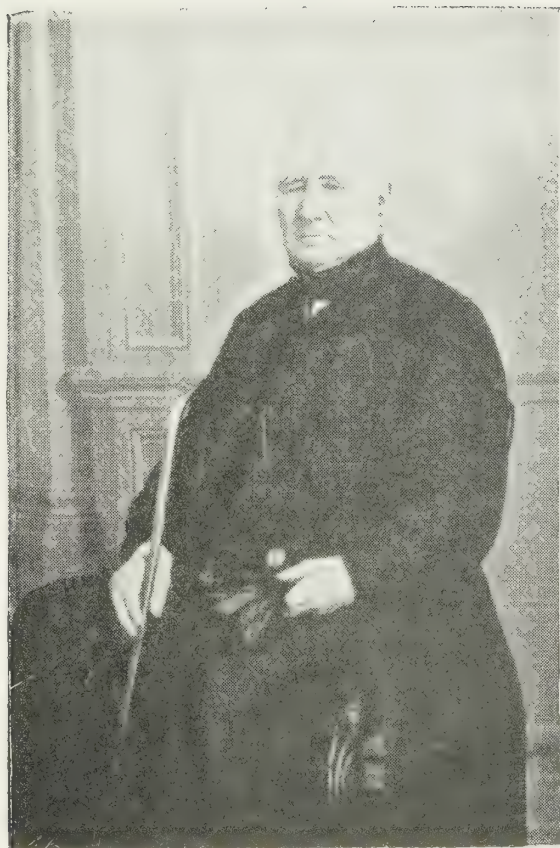
Captain Roxburgh commanded his company throughout the war, was wounded at the taking of Fort George, in May, 1813, and participated in the notable service of the Fencibles at Lundy's Lane, where they formed the right of the British line. The regiment was disbanded in 1816, and in 1832 Capt. Roxburgh settled in Ancaster. He was on service in 1837-8, and in 1841 moved to Hamilton, where he acted as magistrate with Major Arthur Bowen. His wife was Euphemia, daughter of Alexander Melville, of Barqular, Scotland, who predeceased her husband at Ancaster in 1834. Captain Roxburgh died at Hamilton, and was buried in St. John's Churchyard, Ancaster, in 1856. His portrait is from a painting in 1831, in the uniform of the Fencibles. Though not of the Gore Militia his associations are the justification for inserting his name among the officers of the District.

### ALEXANDER WISHART.

Alexander Wishart, Colonel of the 4th Gore Regt. in 1823, it might be said, was a soldier both by birth and by profession. The son of Capt. Alexander Wishart, of the 78th Highlanders, he was born at Edinburgh Castle in 1792. The 78th being ordered to India, a letter from Capt. Wishart, dated Lucknow, February, 1798, contains a graphic account of the accession to the throne of Oude of Saadit Aly, and the deposition of a usurper under British auspices, Sir Alured Clarke being Commander of the forces, and Sir John Shore, Governor.

"Keep my boy's thoughts off military life," he then writes his wife, "and for this reason you should not allow him to wear red clothes or any dress of an army appearance." Notwithstanding, at the age of twenty, on the 9th of July, 1812, his son Alexander received a commission as a Lieutenant in the 55th (Westmoreland) Regt. Soon after, on the 25th of February, 1813,





COL. WILLIAM MUNSON JARVIS



he was appointed to a Lieutenancy in the 42nd Royal Highland Regt. Having, in 1813, married Janet, daughter of Capt. Hector McLean, also of the 42nd, in 1820 he brought his wife to Flamborough, in the County of Wentworth, U. C. The winter trip from York to Flamborough is described by Mrs. Wishart—on the 6th Dec., 1820: "We met Major Simons coming to meet us in a sleigh with three of his children. He insisted that we should go to his house and remain there for a few days, etc. . . . I attended the St. Andrew's Ball at Dundas. A Mrs. Crooks and I led the way with Major Simons into the ball-room, where we danced till seven o'clock the next morning. I had the honour of dancing with the highly accomplished Capt. Brandt," etc.

Colonel Wishart died in West Flamboro on the 10th Dec., 1823, at the age of 31. In 1838, his son, Kenneth McLean, received an Ensign's commission in the 7th Gore Regt. The lands first acquired by Alexander Wishart are still in the occupation of the family. The descendants of Hector McLean preserve with pride a small silver "stirrup cup" presented to their ancestor by Prince Charlie, the night before Culloden. The cup bears the inscription "C. S."

### WILLIAM MUNSON JARVIS.

William Munson Jarvis, Lieutenant-Colonel of the Fifth Gore, and also sheriff of the Gore District in 1830, was a younger son of Mr. Secretary William Jarvis—so prominently connected with the beginning of the government of Upper Canada—and his wife, Hannah O., daughter of the Rev. Dr. Samuel Peters, of Connecticut. William Jarvis had been an officer in Simcoe's "Queen's Loyal Rangers," and after the war returned to England with Colonel Simcoe. Dr. Peter's history of Connecticut, published at the close of the revolution, is now conceded to contain a true picture of New England before the rebellion, though the first edition was put under the ban on its arrival in the States, and burned. W. M. Jarvis was born at Niagara in 1793, then the seat of government. With his brother, Samuel Peters Jarvis, he took an active part in the War of 1812, and at Lundy's



Lane, with Richard Hatt, Titus Geer Simons, Manuel Overfield and other militiamen of West York and Lincoln, he was wounded, from the effect of which the sight of his right eye was destroyed. He married Miss Anne S. Racey in 1826, and was appointed sheriff of the Gore District in 1827. He died at Hamilton in 1867. (See *Ontarian Families*—Chadwick; and *Can. Archives Report*, 1898—262.)

### MILES O'REILLY.

Miles O'Reilly, a Captain in the 3rd Gore, in 1838, was born in Stamford Township, in May, 1806. He was of U. E. Loyalist descent. In 1824 he commenced to study law under Mr. Brackenridge, at Niagara, and continued his studies later in Toronto under Robert Baldwin. He was called to the Bar in 1830, and at once commenced practice in Hamilton, the other practitioners then being Allan Napier MacNab and Robert Berrie. When the rebellion broke out in 1837, Mr. O'Reilly shouldered his musket in the ranks and was one of the band of sixty "men of Gore" who accompanied Sir Allan MacNab to Toronto in December. He was appointed Judge of the Gore District Court in 1837, succeeding Judge Thomas Taylor, and was retained after the rebellion to defend 112 rebels tried at Hamilton before Macaulay, C. J., and a jury, counsel for the crown being William Draper, afterwards Chief Justice Draper, and Sir Allan MacNab. The trial lasted two months. Mr. O'Reilly's local knowledge enabled him, by challenging, to guard against a partizan jury. None of the accused were found guilty. Early in the fifties the Great Western Railway arrived in Hamilton, and Mr. O'Reilly did much for the city and the Company as its solicitor. In his capacity as Judge, and afterwards a Master in Chancery, an office to which he was appointed in 1871, Mr. O'Reilly was recognized as possessing judicial ability of the highest order. In 1880 an address and service of plate were presented to him on the fiftieth anniversary of his call to the Bar, by the Hamilton Bar, in testimony of universal respect and a warm feeling of affection for himself personally. A brilliant conversazione followed the



CAPT. MILES O'REILLY.





presentation ceremony in the Court House. Mr. O'Reilly died on the 19th of August, 1890, at Hamilton. His life contributed in a marked degree to the progress of Hamilton almost from its birth as a village until it became a prosperous city. His wife was a daughter of James Racey, Esquire, who was a Major in the 1st Gore Militia in 1824.

### COLONEL WILLIAM GOURLAY.

Colonel William Gourlay, of the 12th Gore, in 1836, was born at Berwick on the Tweed in Scotland. He had been a lieutenant in the 23rd Regiment, Welsh Fusiliers, in which regiment he served from 1815 to 1836, being with his regiment—part of the army of occupation of Paris, after Waterloo.

His father, Captain Alexander Gourlay, followed the brilliant record of the same regiment throughout the Peninsular War under Wellington. William Gourlay came to Canada in 1836, and settled in Binbrook, in the County of Wentworth. From Colonel Gourlay's orderly books, which Mrs. Gourlay has kindly placed at the disposal of the writer, the record of the 1st Battalion of Incorporated Militia, from its creation in November, 1838, to its disbanding, is recorded. In the first Regimental order, dated Head Quarters, Hamilton, Nov. 16, 1838, is incorporated a stirring address by the Lieut-Colonel, Sir Allan MacNab, on assuming the command, and the following officers are appointed provisionally, on their raising the quota of men required by their respective ranks:

No. 1.—Captain Brown, Lieut. Patrick, Ensign Hale, Grenadiers.

No. 2.—Captain Leonard, Lieut. Thompson, Ensign Wonham.

No. 3.—Captain Tench, Lieut. Campbell, Ensign Courtenay.

No. 4.—Captain Feilde, Lieut. McDonell, Ensign Thorner.

No. 5.—Captain Ussher, Lieut. Gordon, Ensign Thompson.

No. 6.—Captain Chisholm, Lieut. Thorner, Ensign Campb'el.

No. 7.—Captain Kelly, Lieut. Tallant, Ensign Doyle.

No. 8.—Captain Poore, Lieut. Ainsley, Ensign Metcalf, Light Company.

Also that:

“The officers are to attend Major Gourlay for the purpose of being drilled at such time as he may appoint, and Major Gourlay is requested to report to the Lieut.-Colonel from time to time the progress which the officers make.”

By a general order of the 26th January, 1839, commissions were granted by the Lieut. Governor as follows:

**November 1st, 1838.**

**To be Captains—**

Samuel Ussher, Esq.  
 Marcus Blair, Esq.  
 James Brown, Esq.  
 Frederick Feilde, Esq.  
 John Poore, Esq.  
 Bartholomew Tench, Esq.

**To be Lieutenants—**

Angus D. Macdonell, Gent.  
 William A. Thompson, Gent.  
 William Lane, Gent.  
 John Wold Tallant, Gent.

George H. Ainsley, Gent.  
 John Thorner, Gent.  
 Duncan M. Campbell, Gent.  
 Charles Patrick, Gent.

**To be Ensigns—**

Joseph Courtenay, Gent.  
 Wm. Ussher Thompson, Gent.  
 Edward D. Hale, Gent.  
 John S. Doyle, Gent.  
 John E. Thorner, Gent.  
 Wm. G. Wonham, Gent.

**To be Adjutant—**

Captain Marcus Blair.

The following colour Sergeants were appointed on the 31st January, 1839 :

Augustine Vila .....No. 1.  
 Thomas Molloy .....No. 2.  
 Samuel Baxter .....No. 3.  
 John Kettle .....No. 4.

Richard Atkins .....No. 5.  
 Jacob Bishop .....No. 6.  
 Thomas Forsyth .....No. 7.

and Privates George Tiffany, Lesslie Murphy and John Ferguson were appointed Corporals.

Captain Poore, of the 8th Company, married a daughter of Laura Secord, the heroine of Beaverdams. On the 24th of November, 1838, the Gore District Militia went into mourning for the death of Captain Edgeworth Ussher, of the Niagara Fencibles, who was, to quote the Brigade order, “basely and treacherously assassinated by a portion of that gang of pirates and bandits, who now infest the borders of this Province..”

It will be remembered that Captain Ussher was deliberately shot and murdered on his own doorstep on the night of the 16th of November, 1838, at Chippewa, the assassin having boldly knocked at the door and discharged his pistol through the side



COL. WILLIAM GOURLAY.





light. The murderer was Benjamin Let, the destroyer of Brock's monument. Captain Ussher was buried in Lundy's Lane Cemetery.

On the 10th of April, 1839, William Gourlay was appointed Lieut.-Colonel of the 12th Gore, and on the 1st Battalion of Incorporated Militia being raised in Nov., 1838, he was commissioned Major of that battalion. Major Gourlay was appointed Lieutenant-Colonel of the 1st Battalion Incorporated Militia in 1841, and in 1843, it, with the three other Incorporated Militia regiments, was disbanded, receiving expressions of the warmest praise from the Commander of the Forces. He was also Chairman of the Courts Martial. Colonel Gourlay married in March, 1850, Emily, daughter of John Lionel White. Colonel Gourlay died at Barton Lodge, in the Township of Barton, in 1867.

In 1838 the limits of the 3rd Gore were "the Town of Hamilton and the Township of Barton," and some of the officers are within the memory of those still living: Sir Allan MacNab, Robert Land, Miles O'Reilly, Dr. Gerald O'Reilly, George Leith, and Robert Ainsley, who acted as Captain Leith's second in a duel with one Gibbs, the pistols, it is said, having been surreptitiously loaded, by the waggish seconds, with red currant jam.

From the order book of Major Elijah Secord, Adjutant of the 12th Gore (1839 to 1845) and commanding in consequence of Colonel Gourlay's absence with the Incorporated Battalion, it appears that the rate of pay for infantry was, for Lieut.-Colonel, 17 shillings sterling a day; Major, 16 shillings; Captain, 11 shillings, 7d.; Lieutenants, 6 shillings, 6d., and Privates, 1 shilling. A Captain of cavalry received 14s. 7d.; a Private, 1s. 3d.

On the 27th of May, 1840, there is a regimental order that Captain Leith shall take command of the No. 6 Company, late in command of Captain Newell, deceased. This order book contains the limits of each company, the formation of two flank companies auxiliary to the Incorporated Militia, with the roll of each, and the orders relating to the restoration of Brock's Monument in 1840.

In 1846 a new state of things was introduced, changing the limits of the Gore Militia into Regimental Divisions to be divided into Battalions composed of the Townships, as follows:

#### WENTWORTH

First Battalion, City of Hamilton, Lieut.-Colonel Sir A. N. MacNab.

Second Battalion, Barton and Glanford, Lieut.-Colonel Robert Land.

Third Battalion, Saltfleet and Binbrook, Lieut.-Colonel William Gourlay.

Fourth Battalion, Onondaga, Tuscarora, Oneida and Seneca.

Fifth Battalion, Ancaster, Lieut.-Colonel John Aikman.

Sixth Battalion, Brantford, Lieut.-Colonel Wm Richardson.

#### HALTON

First Battalion, Trafalgar, Lieut.-Colonel Charles Biggar.

Second Battalion, Nelson, Lieut.-Colonel George Chisholm.

Third Battalion, Flamboro East and West, Lieut.-Colonel James Hamilton.

Fourth Battalion, Beverly, Lieut.-Colonel, A. T. Kirby.

Fifth Battalion, Dumfries.

Sixth Battalion, Esquesing and Nassagaweya.

Only a portion of our duty is performed in this search for, and preservation of, these Militia lists. It is hoped that their collection will be an incentive to further biography—the very “woof and warp” of local history. These men were the best of our best, and we would be remiss were we not to endeavor to perpetuate their memory in this, their collective and voluntary service, remembering as we do, that they were those who stood forth:

“With hearts resolved, and hands prepared,  
The blessings we enjoy to guard!”





CAPT. WILLIAM NOTMAN.



## ARTILLERY.

The first artillery was authorized in the Gore District, on the 9th November, 1838, when a company was attached to the 2nd Gore Regiment, of which Thomas Merrick was Captain, and James Arnott and William Dolmage, Lieutenants.

On the 27th of the same month an Independent Company of Artillery was authorized at Dundas, of which William Notman, a Captain from the Cavalry Troop, and also in the Infantry, it would appear, was Captain, the other commissioned officers being : John Henry Stewart, John Gartshore, William Kyle and Duncan McPherson.

In 1856, a Company of Foot Artillery was authorized in Dundas, of which Wm. Notman was Captain, with James Shaw Meredith, John McKenzie, James Findlay Smith and Thomas Wilbee as the officers.

The first Hamilton Independent Artillery Company was authorized in 1849, with the following officers : Miles O'Reilly. 1st Captain ; James Sedgwick Wetenhall, 2nd Captain ; the other officers being : John Brown, Charles Newby Sims, Alfred Booker, Ed. H. Symons, Wm. Bellhouse, John Scott Land and Alexander Gordon.

In 1854, a second Company was formed, of which Henry Wm. Ireland, Wm. Bellhouse and Wm. R. Macdonald, were the officers.

(L. Hompray Irving's MSS. from Gazette.)





## The Brant Family.

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COMPILED BY MRS. JOHN ROSE HOLDEN.

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The highest types of native Indian civilization found in North America by the colonizing Europeans, were found within the Iroquois Longhouse of "many hearths Confederacy." Of this primitive civilization at the time of the revolution, foremost were the Mohawks: the Oneidas in the east and the Senecas in the western part of the Mohawk Valley, situated in the present New York State. The learned Senecas were comparatively few in proportion to the whole of the tribe; whereas, among the Oneidas and Mohawks, learning, with its accompanying mental and moral results, was much more general.

"This primitive civilization was not judged wholly by education in the scholastic sense, but rather as represented by comfortable habitations, and productive, if primitive, agriculture." And by an ideal republican Government upon which very little improvement has since been made by any race.

The New York Times, Saturday Review of Books of Art, July 6, 1901, in reviewing Mr. Buell's work on the family of Sir William Johnson, says :

"Most people in our times believe that civilized Indians are quite the product of recent date, and are wont to associate that phrase with the modern schools of Carlisle and Hampton. It is, however, quite probable that when the Revolution broke out a greater proportion of the Iroquois could speak, read or write either English or French, than is true of any Indian class to-day, outside of the 'Five Tribes' in the Indian territories of America.."

It is curious to note the strange arguments employed to prove Indians of Jewish origin. The best authorities on this point are Joseph B. Felt, "Eccleseastical History of New England," Vol. 2, pp. 12, 17, 22. "American Antiquities—Research into Origin and History of the Red Race, by Alexander W. Bradford, New York, 1843," p. 334-364. "Heckewelder's Historical Account," pp. 98, 204.

Romney, the English artist, who painted Joseph Brant's portrait in London in 1776, and who had already become famous as a painter of Indian types, could hardly believe that his subject in this instance was a full-blooded aboriginal American. The Brants had neither the aquiline nose, the copper complexion, nor the coarse jet black hair so uniformly characteristic of their race. About the only Indian feature he had was his prominent cheek bones. This was true of the whole family—from Joseph Brant's grandfather, who visited England with Peter Schuyler early in the 18th century, during the reign of Queen Anne, down to the grandchildren and great-grandchildren at the time of, and after, the Revolution.

The London Magazine for July, 1776, contains a sketch of Captain Joseph Brant, probably furnished by Boswell, with whom he was intimate during his first visit to England. In that account it is affirmed without question, that he was the grandson of one of the five Sachems who visited England in 1710, during the reign of Queen Anne. Three of them were Mohawks, one of whom was Joseph Brant, chief of the Chanagoharie Clan—Thayendanegea's Clan. These Sachems, or Indian kings, as they were called, were taken to England by Colonel Schuyler. Their arrival created a great sensation, the populace followed them wherever they went. The Court was in mourning at that time for the Prince of Denmark. The chiefs were dressed in black under clothes, after the English manner; but instead of a blanket they had each a scarlet ingrain cloth mantle, edged with gold lace, thrown over their other clothes. These Court dresses were given to them by the Queen. A more than ordinary solemnity attended the audience they had of Her Majesty. They were conducted to St. James' in two coaches, and introduced into the royal presence by the Duke of Shrewsbury, Lord Chamberlain. The speech delivered by them was preserved by Oldmixon, the historian. Sir Richard Steele mentions these chiefs in the Tatler of March 13, 1710. Addison, in the Spectator of the same week, devotes a special article to the Five Indian Kings from North America.

In addition to Captain Joseph Brant's public correspondence upon the business affairs of the Mohawks, and in regard to his



private and domestic concerns, he wrote many letters upon miscellaneous subjects. His fame was co-extensive with England, the United States, and also extended to friendship with France. During his last visit to England he visited France. Letters of introduction were furnished him to some literary men of Paris, by whom he was received with great courtesy and respect; also kindly assisted in making research in the public libraries regarding the ancient tumuli which existed on the margins, near or on the lakes and the St. Lawrence. The questions of prisons and prison discipline brought light to the dungeons of Britain in the closing decades of the eighteenth and dawn of the nineteenth century. The following letter of Joseph Brant's, in answer to the question, whether civilization increased the happiness of mankind, was transcribed by Thomas Eddy, into a volume of Indian documents and speeches, collected by him while in discharge of his duties as an Indian Commissioner. He had much intercourse with the Indians, and was led to inquiries and exertions for their moral and social improvement.

Mr. Eddy and the Mohawk Chieftain held coincident views on prison reform. Both men were more than a quarter of a century in advance of public opinion in the United States, as will be seen from the following letter taken from Stone's Life of Brant, Vol. II., Edition 1838:

“My Dear Sir:

“Your letter came safe to hand. To give you entire satisfaction I must, I perceive, enter into the discussion of a subject on which I have often thought. My thoughts were my own, and being so different from the ideas entertained among your people, I should certainly have carried them with me to the grave, had I not received your obliging favor.

“You ask me, then, whether, in my opinion, civilization is favorable to human happiness. In answer to the question, it may be answered, that there are degrees of civilization, from Cannibals to the most polite of European nations. The question is not, then, whether a degree of refinement is not conducive to happiness: but whether you or the natives of this land, have obtained this happy medium. . . . I was, sir, born of Indian parents and lived while a child among those whom you are pleased to call savages; I was afterwards sent to live among the

white people, and educated at one of your schools; since which period I have been honored much beyond my deserts, by an acquaintance with a number of principal characters both in Europe and America. After all this experience, and after every exertion to divest myself of prejudice, I am obliged to give my opinion in favor of mine own people. In the government you call civilized, the happiness of the people is constantly sacrificed to the splendor of empires. Hence your codes of criminal and civil laws have their origin; hence your dungeons and prisons. I will not enlarge on an idea so singular in civilized life. Among us we have no prisons; we have no pompous parade of courts; we have no written laws; and yet judges are as highly revered amongst us as they are with you, and their decisions are as much regarded.

“Property, to say at least, is as well guarded, and crimes are as impartially punished. We have among us no special villains above the control of our laws. Daring wickedness is here never suffered to triumph over helpless innocence. The estates of widows and orphans are never devoured by enterprising sharpers. In a word we have no robbery under the color of law. No person among us desires any other reward for performing a brave and worthy action, but the consciousness of having served his nation. Our wise men are called Fathers; they truly sustain that character. They are always accessible, I will not say to the meanest of our people, for we have none mean, but such as render themselves so by their vices.

“The palaces and prisons among you form a most dreadful contrast. Go to the former places and you will see, perhaps, a **deformed piece of earth** assuming airs that become none but the Great Spirit above. Go to one of your prisons; here description utterly fails. Kill them if you please; kill them, too, by torture, but let the torture last no longer than a day. Those you call savages relent; the most furious of our tormentors exhausts his rage in a few hours, and dispatches his unhappy victim with a sudden stroke. Perhaps it is eligible that incorrigible offenders should be cut off. Let it be done in a way that is not degrading to human nature. Let such unhappy men have an opportunity by their fortitude, of making an atonement in some measure for the crimes they have committed during their lives.

“But for what are many of your prisoners confined?—for debt!—astonishing!—and will you ever again call the Indian natives cruel? Liberty, to a rational creature, as much exceeds property as the light of the sun does that of the most twinkling star. But you put them on a level, to the everlasting disgrace of civilization. Among the white people, many of the most ami-



able contract debts, and I dare say with the best of intentions. Both parties at the time of the contract expect to find their advantage. The debtor, we will suppose, by a train of unavoidable misfortunes, fails; here is no crime, nor even a fault; and yet your laws put it in the power of the creditor to throw the debtor into prison and confine him there for life—a punishment infinitely worse than death to a brave man! I seriously declare I had rather die by the most severe tortures ever inflicted on this continent than languish in one of your prisons for a single year. Great Spirit of the Universe!—and do you call yourselves Christians? Does then the religion of Him whom you call your Saviour inspire this spirit and lead to these practices? Surely no. It is recorded of Him, that a bruised reed he never broke. Cease, then, to call yourselves Christians, lest you publish to the world your hypocrisy. Cease, too, to call other nations savage when you are tenfold more the children of cruelty than they!”—Thayandenegea.

Brant’s actions were in accord with these expressions of his civilizing views on his own people. He was a man of too much sagacity not to perceive the importance of education and religion as auxiliaries in keeping alive and improving the moral and social improvement of his nation. When quite a young man he was engaged with the Rev. John Stuart as assistant in translating the Church Prayer Book and the Scriptures into the Mohawk. After the war, in which he bore so active and arduous a part, he again set to work in perfecting a continuation of religious translations. While in London he superintended the printing of the Gospel of St. Mark in the same tongue. One of his first requests to the Commander in Chief (Haldimand), on the acquisition of the Grand River grant, was for the building of a church, a school and a flour mill. No sooner had the North Western Indian wars been brought to an end than the religious principle again sprang into action. He determined to secure a resident missionary of the Church of England for the Five Nations. How the church work and the schools which he inaugurated succeeded will appear in the culmination of the family history. The conversion of the Iroquois, or the Five Nations, commonly called “The Praying Indians of Canada,” especially became the object of the Jesuits of Canada, as far back as 1642; but a few years after Father Jogues laid down his life on the Mohawk, application was made to the Society for the propagation



of the Gospel in foreign parts, London, Eng., by the Governments of New England and New York, for further religious instruction to these people.

In 1712 Rev. Mr. Andrews was sent as a missionary to the Mohawks by the Society, who, however, soon abandoned the place. The Rev. Dr. Whelock, in 1761, began in his school a system of training Indian boys to become successful native missionaries, school-masters and interpreters. The necessity of having resident missionaries of the Church of England among the Mohawks was again brought before the S. P. G. a few years before the Revolution, both by Sir William Johnson and the Rev. Mr. Inglis, of New York. The latter succeeded with his memorial, and in 1770 the society consented to send a missionary for exclusive service of the Mohawks.

John Stuart was born at Harrisburg, Pennsylvania, of Irish descent, his brothers, Andrew and Charles, were staunch supporters of the American revolt. They were all men of great physical strength. John, the eldest, graduated at the college of Philadelphia, when he determined to join the Communion of the Church. He went to England, where he was recommended by the clergy of Pennsylvania for ordination. (*Society's Abstract*, 1771). He received Holy Orders in 1770 and was appointed missionary to the Mohawks at Fort Hunter. He preached his first sermon at Canajoharie on Christmas day of that year. His routine was to preach every Sunday: first to the Indians, after service had been performed in their own language. Divine service was afterwards read in English to a congregation of 200 white persons and upwards, most of whom were Dutch, who had no stated place of worship. In 1774 he was able to read the Liturgy and offices of baptism, marriage and burial to his flock, and converse tolerably well with them on common subjects in their own language; but found great difficulty in conveying to them distinct ideas on divine subjects, for want of an interpreter. He undertook a translation of a part of the New Testament, and with the assistance of Joseph Brant, prepared a translation of St. Mark's Gospel, an exposition of the Church Catechism, and a history of the Bible

(Abstract 1775). During the year foreshadowings of the Revolution appeared. The agitation which followed rent society in twain; neighbors and friends now were changed into enemies, and opposed to each other in the deadliest hostility. No class was so uncompromising in its loyalty to the throne as the clergy of the Church of England in the State of New York, and as a consequence, did not fail to experience many bitter results. Mr. Stuart's connection with the Johnson family and his relations to the Indians made him obnoxious to the Whigs. His house was attacked and property plundered, and every indignity offered his person. The Church was also desecrated, then turned into a tavern—in ridicule and contempt a barrel of rum was placed on the reading desk. The building was afterwards used as a stable; finally served as a fort. He emigrated to Canada, 1781, with his wife and family of three small children. They started on the long and tedious journey of three weeks by wag-gons. At Fort Ann, they proceeded to Montreal by Batteaux. As there was no opening for him to exercise the duties of his profession in Montreal—as yet there were only three Protestant churches in the Province—the pastors of which were Frenchmen, he took charge of a public school. He afterwards settled permanently at Cataraqui (Kingston), where many of the refugees were already settled. Subsequently to the acknowledgement by England of the Declaration of Independence, Mr. Stuart's friends hoped that they might win him back to labor among them. Dr. Griffith, bishop-elect of Virginia, invited him to settle in his diocese (1785). Mr. Stuart's reply to the proposition is worthy of insertion:

“I must allow that if you adhere to your Bill of Rights, and establish Church Government on the plan and according to the spirit of the outlines you have drawn, it will certainly deserve the name of a **Reformation**.” He never seems to have repented his removal to Canada, yet amid his unique and isolated environments he felt heavily his separation from old friends. He writes: “I can scarcely refrain from dropping a tear to the memory of my old friends, who are almost universally gone into banishment and may be considered as dead to their country and their friends. I am the only refugee clergyman in this Province—Canada.”\*

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\*Present Maritime Provinces not included. First church built in Nova Scotia, St. John's Church, Lunenburg, 1754, by the Imperial Government.

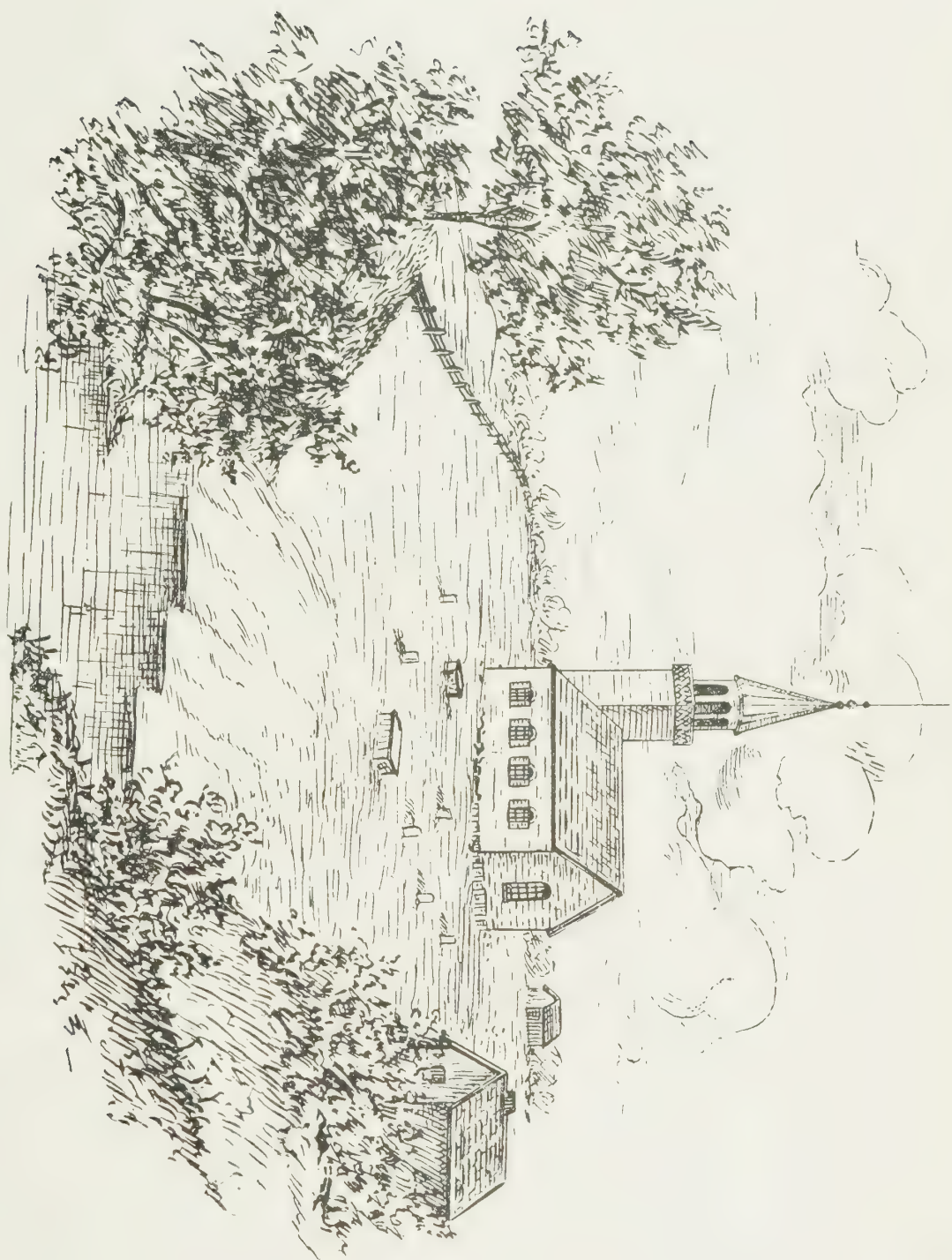


“I shall have no regrets, if it pleases God to make me the instrument of spreading the knowledge of His Gospel amongst the heathen, and reclaiming only one lost sheep of the House of Israel.” In this spirit he set out on the 2nd of June, 1784, to visit the new settlements on the St. Lawrence, Lake Ontario and Niagara Falls. Already 3,500 loyalists had left Montreal that season for Upper Canada. His reception by the Mohawks (then resident at Niagara) was very affectionate; even the windows of the church in which he officiated were crowded with those who were anxious to behold again their old pastor, from whom they had been long separate. Four years after Mr. Stuart made the rounds of his “parish.” He reports:

“I embarked in a Battoe with six Indians, commanded by Captain Brant. We coasted along the north side of Lake Ontario about 200 miles, and from the Head of the Lake (Hamilton) we went 25 miles by land, to the Mohawk village on the Grand River, which empties into Lake Erie. These people were my former charge, and the society still calls me thir missionary. I found them conveniently situated on a beautiful river, where the soil is equal in fertility to any I ever saw. Their village contains about 700 souls and consists of a great number of good houses, with an elegant church in the centre. It has a handsome steeple and bell, and is well finished within. You will be surprised when I tell you that they have a complete pulpit, with the Creed, Commandments, Society’s and King’s Coat of Arms, all very large and elegant, and that the Psalmody was accompanied by an organ. The place is 90 miles from Niagara and was uninhabited four years ago.”

Outside of Mr. Stuart’s educational work, Bishop Mountain appointed him Commissary for the district now constituting the Province of Ontario, then with its far scattered settlements and dispersed flocks; it was therefore quite out of the question that he should become resident missionary on the Indian Reserves. At the first session of the Colonial Legislature, called together by Lieutenant Governor Simcoe, 1792 Mr. Stuart was named Chaplain to the House of Assembly, an appointment that required for the time of session his presence at Niagara. He also received the Chaplaincy of the Garrison at Kingston. He departed this life on the 15th of August, 1811, in the seventy-first year of his age, and was buried at Kingston. The honorable





MOHAWK CHURCH, BRANTFORD.



title of "Father of the Church in Upper Canada" has been fitly bestowed upon him. He left five sons and three daughters. George O'Kill Stuart, his eldest son, graduated at Cambridge, Mass.; entered Holy Orders and was appointed missionary at York—Toronto—in 1802. Succeeding his father at Kingston, he subsequently was appointed Archdeacon.

The saintly Robert Addison had headquarters at Niagara (1792), with out-stations on the Grand River, at the Credit, and at Toronto. In 1820 the Mohawks numbered 2,000 souls; the yearly baptisms were from 100 to 150 souls. He and other missionaries were greatly assisted by Captain Brant, chief of the Mohawks, in their endeavors to bring the wandering tribes to Christ, and to feed them as the flock of God. (The above synopsis of work of Rev. John Stuart is taken from *Documentary History of the State of New York*, O'Callaghan, Vol. 4, p. 313.)

### PEACE MEDIATOR.

When Lieut. Governor Simcoe arrived at Niagara, he brought with him a letter from the Duke of Northumberland to the Mohawk Chief Thayendanegea. The Duke had served in the Revolutionary war as Lord Percy, and been adopted by the Mohawks as a warrior of their nation, under the name of **Thorighwegeri** or **The Evergreen Brake**. The name involves the pretty conceit that a titled house never dies when the old chief of his peculiar species of the brake falls, the young is in fresh and full existence.

Simcoe delivered to Brant on the occasion of their first meeting "a brace of pistols" from the Duke. In the letter his Grace adds :

"I preserve with great care your picture, which is hung up in the Duchess' own room." A close intimacy was formed between Governor Simcoe and Captain Brant.

In 1791-92 relations between the United States and the native nations were strained. The boundary line dispute raged. George Washington, recognizing the great influence of Captain Brant, not only with the Six Nations, but over all the Indian tribes, deemed it an important point to induce him to at-



tend a contemplated Grand Council to be held at Philadelphia—then the seat of Government—during the session of Congress to ensue in the winter of 1792. The first approaches were made to Brant (20th Dec., 1791) by letters from Col. Pickering, and the Rev. M. Kirkland, Indian missionary, requesting him to attend the Council, assuring him of his welcome reception by the Government of the United States. These invitations Brant refused.

Feb. 25, 1792, H. Knox, Secretary of War, officially repeated the invitation, in which he says:

“I can assure you that the President of the United States will be highly gratified by receiving and conversing with a chief of such eminence as you are, on a subject so interesting and important to the human race.”

In reply Brant says: “To accomplish such desirable ends as civilization and peace-making, no exertions on my part shall be wanting. It is absolutely necessary that an explanation of grievances should be made, and that to the head of the United States, from whom I entertain not the smallest doubt but justice will be done where /due.”

On the 23rd of May, Brant accepted the invitation. The journey to Philadelphia was commenced early in June. His arrival in New York was thus announced in the newspapers :

“On Monday last arrived in this city from his settlement on the Grand River, on a visit to some of his friends in this quarter, Captain Joseph Brant, of the British Army, the famous Mohawk chief who so eminently distinguished himself during the late war, as the military leader of the Six Nations. We are informed that he intends to visit the city of Philadelphia and pay his respect to the President of the United States.”

This visit was an unofficial one, and yet one of great possible results. Several allurements of gain were there offered him by the United States Government. He writes:

“I was offered a thousand guineas down and to have the half-pay and pension I receive from Great Britain doubled merely on condition that I would use my endeavors to bring about a peace. But this I rejected. I considered it might be detrimental to the British interests as also to the advantage and credit of the Indian nations, until the **Americans should make the necessary concessions.**”

The offer was also added of pre-emption right to land, to

the amount of twenty thousand pounds currency of the United States and fifteen hundred dollars per annum.

(In a letter written by Brant to the Count de Pusaye, about the date 1800, repelling certain charges made against himself, Brant gave the above proofs of his loyalty.) Brant left Philadelphia on the 1st of July. On that occasion, the Secretary of War, in writing to Gen. Chapin, says:

“Captain Brant’s visit will, I flatter myself, be productive of **great satisfaction to himself** and beneficial to the United States.”

When Brant and his Mohawk warriors joined the fortunes of the Johnson family in Canada, the influence of President Whelock, of Lebanon Institute, where Brant had received his early education, was brought to bear upon the crisis. Dr. Whelock wrote him, urging him to remain with the Colonists. His reply is here worthy of notice:

“I recall to my mind, with pleasure, the happy hours I spent under your roof, and especially the prayers and family devotions to which I listened. One passage in particular was so often repeated, it could never be effaced from my memory, viz.: ‘That they might be able to live as good subjects, to fear God and honor the King.’ ”

No greater proof could be found of Brant’s high sense of honor, integrity and attachment to British interest than his reception of the above proposals, reflecting the highest credit and honor upon the loyal Mohawks and himself. Brant proved himself above all bribery in all negotiations with the U. S. as to the claims of the Western Indians regarding the Ohio river as the boundary limit with the New Republic. It was well believed that Captain Brant and the Six Nations “**held fast together**” in their efforts to make peace to the last. Their *sine qua non*, however, was the “**Ohio for the boundary.**”

Preparatory to the Grand Council held at Wayne 19th Feb., 1793, the following request was sent to Washington by the Six Nations, October 17th, 1792:

“If you wish for **peace**, you must make every exertion and proceed through this path we have directed for you (the Ohio). If peace does not take place the fault must arise from your people.

“We now desire you, brothers, to send forward agents, who are men of honesty, not proud land-jobbers, but men who love and desire peace. Also, we desire that they may be accompanied by some Friend, or Quaker, to attend the Council.”

The basis of the proposed armistice was as follows: That the United States should withdraw their troops from the western side of the Ohio, making that river the boundary, and receiving payment for their improvements on the south-east side of the river.

The Indians insisted that they (U. S.) should allow them all the land they possessed in Sir Wm. Johnson's time. These were the terms to a treaty of peace. The Western Indian Confederation had notified the U. S. Government that no agent or commissioners should be received except through the Five Nations—Captain Brant holding the high office of Head Commissioner for the United Native Nations of North America.

The Commissioners left Philadelphia for Buffalo Creek, accompanied by several members of the Society of Friends. They were: Jasper Priest, William Savory and John Elliott, of Philadelphia; Jacob Lindley, of Chester County; and Joseph Moore, William Hartshorn, of New Jersey. It is a singular fact that while the Quakers solicited the appointment on this pacific mission at the hands of the President, the Indians, at about the same time, and without consultation or arrangement, requested of the American agents, that some Quaker might be appointed on the Commission to treat with them. The United States Commissioners were, General Benjamin Lincoln, Beverly Randolph and Timothy Pickering.

After long delays, much speaking at numerous Councils, all negotiations for peace on the basis offered by the Indians failed. The Buffalo Creek Conference was held in the presence of a number of British officers then stationed upon that frontier. The sketch of that Conference was drawn by Colonel Pilkington, a British officer, and taken to Europe. In 1819 it was presented to an American gentleman of the name of Henry, at Gibraltar, and by him given to the Massachusetts Historical Society. By kind permission of this Society the sketch is here reproduced.

After the Buffalo Creek meeting the Commissioners proceeded westward. Arriving at Niagara, they were hospitably re-





TALK WITH THE INDIANS AT BUFFALO CREEK IN 1793.

- |                            |                      |                   |                            |
|----------------------------|----------------------|-------------------|----------------------------|
| 1. Col. Timothy Pickering, | 3. Beverly Randolph, | 5. Interpreter,   | 7. 8. 9. British Officers, |
| 2. Gen. Benjamin Lincoln,  | 4. General Chapin,   | 6. Indian Orator, | 10. Quakers,               |



ceived by Governor Simcoe. Here they were detained for some time. On the 4th of June, 1793, the King's birthday was celebrated, on which occasion the Governor gave a fete, ending with a ball in the evening, attended by about twenty well-dressed and handsome ladies, and about three times that number of gentlemen. "They danced from 7 o'clock until 11, when supper was announced, and served in very pretty style. The music and dancing were good; everything conducted with propriety. What excited the best feelings of the heart was the ease and affection with which the ladies met each other, although there were a number present whose mothers sprang from the aborigines of the country. They appeared as well dressed as the company in general and intermixed with them in a manner which evinced at once the dignity of their own minds and the good sense of others. These ladies possessed great ingenuity and industry, and have great merit, for the education they have received is owing principally to their own industry, as their father, Sir William Johnson, was dead. Their mother was the noted Mohawk Princess, Molly Brant, sister of Captain Joseph Brant." This incident was the first gala of a representative of Royalty held in this then western woods. (Taken from private journal of General Lincoln.)

Brant sailed for England toward the close of the year 1785, and reached London early in 1786. He was well received, and his society courted by gentlemen of rank and station, statesmen, scholars and divines. He had little of the savage ferocity of his people in his countenance, and though he was dressed in the European habit, he was not unprovided with a splendid costume after the manner of his own nation. With the King and royal family he was a great favorite—not the least so on the part of His Majesty, for having proudly refused to kiss the royal hand on his presentation. The great warrior, however, in declining that ceremony, with equal gallantry and address, remarked that he would gladly kiss the hand of the Queen. George the Third was a man of too much sterling sense not to appreciate the feelings of his brother Chief, and he loved his Queen too well, not to be gratified with the turning of a compliment in her Majesty's



favor in a manner that would have done no discredit to the most accomplished cavalier of the Court of Elizabeth.

James Boswell was at this time in his glory, and an intimacy appears to have been formed between him and the Indian Chief.

According to Rochefoucoult, Brant's manners were half European, and he was accompanied about England by two negro servants. Thayendanegea is described as being a man of animal courage, and possessing all the noble qualities of a soldier—tall, erect and majestic, with the air and mein of one born to command; his name was a tower of strength among the warriors of the North American wilds. He was the voice of the Indians between the British and the United States in all matters relating to the rights and autonomy of the Red races. His knowledge of the whole country and of the various people was extensive and accurate. His diplomatic career closed with the Treaty of Greenville, concluded with the hostile Indians by General Wayne, of the United States, 3rd of August, 1795.

The last 20 years of his life—after the Treaty of Peace—were connected with Indian and Canadian politics. The Five Nations were given a large tract of land on the Grand River, 100 miles by 20, and here Thayendanegea lived with his family after the close of the war. The City of Brantford takes its name from this distinguished Mohawk—a monument erected to his memory stands in the centre of the city, recalling many of his brave and valiant deeds.

Notwithstanding the ceaseless public activities of his life, he found time to translate the Gospel of St. Mark into the Mohawk language. As most of the Indian Prayer and Psalm Books previously in use had been either lost or destroyed during the war, the opportunity of his visit to England was chosen by the Society for the Propagation of the Gospel in Foreign Parts to bring out a new edition of that work, under Brant's own supervision—including this first of the Gospels translated into the Mohawk language. The book was bound in Morocco gilt, in large octavo, under the patronage of the King, a copy of which was preserved by the widow of the old Chief, containing the record of his death, and was preserved on the "book shelves" of the Brant

House. It was printed in alternate pages of English and Mohawk; the Common Book of Prayer, the Psalms and occasional hymns; the service of the Holy Communion, baptism, matrimony and the burial of the dead. It was illustrated with a number of Scriptural engravings, typical of the religious art of the day. The frontispiece represented the interior of a chapel, with portraits of the King and Queen, a bishop standing at either hand and a group of Indians receiving the Sacred Volume from both their Majesties.

A few years before his death Captain Joseph Brant built a commodious dwelling house, two stories high, on a tract of land, now called Burlington, granted to him by the King, at the Head of the Lake. At this place, on the 24th of November, 1807, he closed a life of greater and more uninterrupted activity for the space of half a century than has fallen to the lot of almost any other man whose name has been inscribed by the muse of history, aged sixty-four years and eight months.

His last words, that have been preserved, were concerning the interests of his people, as they had been the paramount object of all his labors in life.

“Have pity on the poor Indians. If you can get any influence with the great endeavor to do them all the good you can.” With great justice might the surviving Mohawks have made the exclamation of King Joash at the bed of the Prophet:

“O, my father, my father, the chariot of Israel and the horsemen thereof!”

His remains were removed to the Mohawk village on the Grand River and interred by the side of the church which he built. Upon his tomb is inscribed:

“This tomb is erected to the memory of Thayendanegea, or Captain Joseph Brant, principal Chief and warrior of the Six Nation Indians, by his fellow-subjects, admirers of his fidelity and attachment to the British Crown. Born on the banks of the Ohio River, 1742, died at Wellington Square, U. C., 1807. It also contains the remains of his son, Ahyouwaighs, or Captain John Brant, who succeeded his father as Tekarihogea and distinguished himself in the war of 1812 and 1815. Born at Mohawk Village, U. C., 1794, died at the same place 1832. Erected 1850.”



No people are more particular in paying honor to the dead than the Indians, and their funerals are marked with deep and affecting solemnity. As among civilized nations, the pomp and pageantry of woe vary according to the rank of the deceased, the wealth of the family or the ability and disposition of the friends to defray the expenses of the funeral, the entertainment at the grave, and the presents to be distributed. "The greatest honors are paid to the remains of the wives of renowned warriors and veteran chiefs particularly if they are descended themselves of a high family, which is by no means an indifferent matter among the Indians" (Vide Heckwelder, Hist. of the A. Indians). The funerals of chiefs and warriors, and of distinguished women, were attended by the heads of the tribe, and all the people; their ceremonies were highly impressive. It was no doubt during the conveyance of the remains of Captain Joseph Brant from Brant House to the Mohawk Churchyard (30 miles), Brantford, that the first church-going bell, made by John Warner, Fleet street, London, 1786, and placed in that church on the Grand River, by Joseph Brant, tolled for twenty-four hours. What a gathering and ceremonial procession must have deployed over Burlington Beach on that day; to again be repeated upon the death and removal of Captain John in 1832.

## THE ABSTRACT OF THE TITLE TO THE BRANT FARM.

### JOSEPH BRANT'S TRACT.

Extract from the Register, County of Halton, Ont.:

Crown Patent, 14th Feb., 1798, to Captain Joseph Brant 3450 acres of a certain tract of land situate at the head of Lake Ontario, described as follows :

A certain parcel of land, situate in the ———, containing by admeasurement 3450 acres, be the same more or less, being composed of a certain tract situate at the Head of Lake Ontario, ——— and situate, lying and being, in ——— aforesaid, in the County of ———, and the Home District, of our Province aforesaid, together with all the woods and waters thereon lying and being, under the reservations, limitations and conditions hereinafter expressed; which said Three Thousand, Four Hundred and Fifty Acres of land are butted and bounded, or may be otherwise known as follows (that is to say):





Concession

2<sup>nd</sup> Concession

of

East Flamborough

Harker Lyons

200 Acres.

23.Ch.

4

3

2

1

John Chisholm

200 Acres.

23.Ch.

S.45° E.

Township line

53 Chains

20.Ch.

105 Chains

Garns

210 Acres

20 Chs.

30.50.

A. Davies

240 Acres

100 Chains

140 Acres

Michael Grote

50 Chains.

50 Ch.

Ebenezer Guire

100 Acres

20 Chs.

29.50  
This land belongs to  
the heirs of  
Isaac Brant  
29.50

N° 45° E

30.50

heading to York.

127 Acres

41.12

23.75

22.12.

20 Ch

20 Ch.

John Dawson 160A

doubtful

43.22

29.22

Peter Desjardines

34 Chains

John Brant's

36 Chains

Ghents

43.22

24.24.

26.64

23.74

23.75

24.24

34.Ch.

16 1/4 Ch.

This

road intersects Dundas Street

Nicholas Carns 190 Acres

20.Ch.

35.10

John Brant's

34 Chains

94.50

132 Acres.

S.45° E.

Magnetic Meridian.

Road to York

N. 38° E

3<sup>rd</sup> Concession of

2<sup>nd</sup> Concession  
of  
Nelson

Beginning at the North-West Bank of Burlington Bay in the limit between the lands heretofore purchased from the Messisguos and the lands purchased for Captain Brant, that being the South-Eastern angle of the Township of Flamboro East, then North forty-five degrees West along the purchase line 288 chains, more or less; then North 45 degrees East 120 chains, then South 45 degrees East to the mouth of a small creek (which empties itself into Lake Ontario), called by the Indians Lama-binicon, then Westerly along the shore of the Lake to where the Sandy Beach (otherwise called the North Neck) joins to the Main Land; then along the Eastern Shore of the said Beach to the outlet from the Little Lake or Burlington Bay, as aforesaid; then North 45 degrees West to the place of beginning. Registered 21st March, 1798.

WILL OF JOSEPH BRANT, 18th OCT., 1805.

Reg. 24th Oct., 1868.

To my wife Catharine, 700 acre farm in Flamborough East, during her life, and after her decease to be divided between or given to either of the heirs of her body by me begotten in such manner to all or either of them as she by her last will and testament shall direct and appoint. Further, in case she should die without having directed the disposal of said farm of 700 acres, then the same shall be divided into three equal shares of 229a-26 rods each. The first share to go to my four daughters, Margaret, Mary, Catharine and Elizabeth. To my son John, the like quantity—229a-26 rods. The 3rd share to go to the said four daughters; to my daughter Christina Hill, 50 acres adjoining said farm and other land.

Captain Henry Hill married Christina, eldest daughter of Captain Joseph Brant.

Solomon Hill and Mary Monture, lawful children of and heirs of said Christina.

WILL OF CATHARINE BRANT.

(Widow of Joseph).

To her daughter, Elizabeth Kerr, the whole 700 acres.

WILL OF JOHN BRANT.

Dated 18th May, 1831—Reg. 7th Feb., 1859.

To my sister, Elizabeth Kerr, all my land situate in Wellington Square at the head of Lake Ontario, adjoining Flamborough East and other lands.



## WILL OF ELIZABETH KERR, NEE BRANT.

Daughter of Joseph Brant, 24th April, 1845—Reg. 2nd March, 1850.

To her four children, Walter Kerr, Joseph B. Kerr, W. J. Simcoe Kerr, Catharine Kerr, all her estate, real and personal, whatsoever and wheresoever, share and share alike.

The map of survey of Brant's tract is copied from original drawing from the private papers of Peter Desjardine, in the possession of Mr. T. H. A. Begue, of Dundas. The illustrations of Brant House and the Mohawk Church are copies from drawings of Mrs. Jones, wife of Rev. Peter Jones (Kahkewaquonaby), Indian missionary. By kind permission of his son, Dr. Jones, of Hagersville, these illustrations have been reproduced. Mrs. Jones was the first English woman who devoted her life to missionary work in Canada.

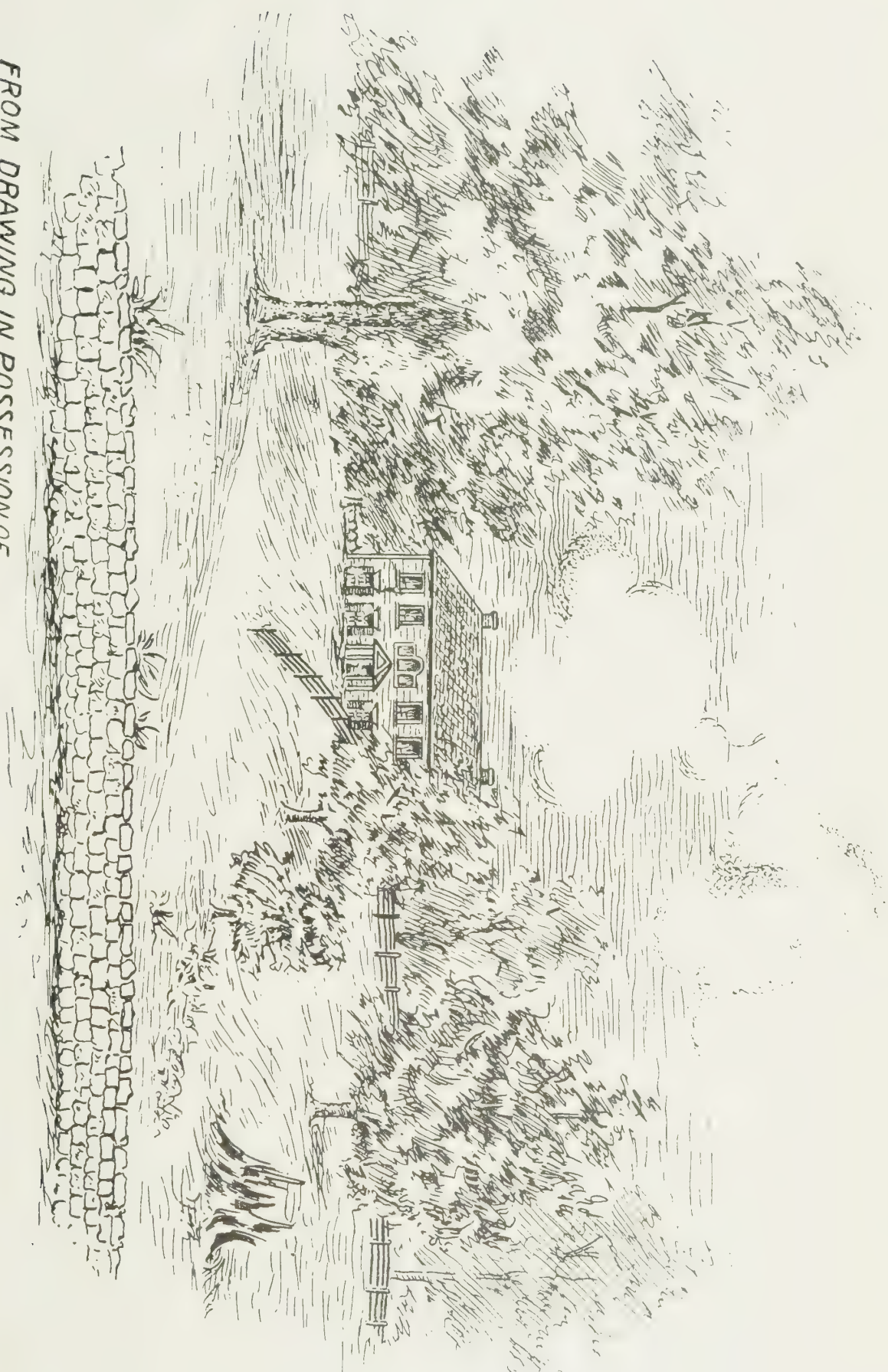
## THE BRANT HOUSE.

"The Brant House" for long figured as a kind of landmark. General Vincent, when appealing to Sir George Prevost, at Kingston, for more ammunition and more men, reports: "The anchorage is good and safe under 'Brant's House,'" hinting that the presence of Sir James Yeo there with his fleet would be most welcome ;where, in fact, it did soon appear, and landed bountiful supplies. Again, in a dispatch to Lord Bathurst, Secretary of State, in describing the menace offered by Chauncey to Vincent on Burlington Heights, Sir Geo. Prevost speaks of the enemy landing 300 men from his fleet on the 31st of July, 1813, near "Brant's House," with the intention of storming the Heights.

An interesting description of the house and of Elizabeth Brant, youngest daughter of the Chief, has been left to us in the published writings of Mr. James Buchanan, in 1819, then British Consul at the Port of New York. He and his daughter visited Upper Canada in the summer of that year. They travelled from Fort Erie by carriage, and remained under the hospitable roof of the Hon. Colonel Clark at the Falls of Niagara.

Mrs. Clarke was the daughter of Dr. Robert Kerr, of Niagara, and grand-daughter of Sir William Johnson and "Mollie Brant;" by blood she was one-quarter Mohawk. She is described as a "lady of noble appearance, highly cultivated mind

FROM DRAWING IN POSSESSION OF  
MRS. JOHN ROSE HOLDEN







and manners—her conversation enlightened by eloquence and vivacity.” She died March, 1837. Colonel Clark’s residence was upon the banks of the Niagara, a short distance above the great cataract. His gardens and grounds were extensive and highly cultivated, washed by the mighty stream thundering over the rapids, past it on one side, and bounded on the other of its sides by a deep, dark glen of rocks and trees and wild, turbulent waters..

Mr. Clarke gave Mr. Buchanan a letter of introduction to Miss Elizabeth Brant, then residing with her brother, Captain John Brant, in the Brant House.

Mr. Buchanan describes the scenery of the country as most beautiful and picturesque. On arriving at the magnificent shores of Lake Ontario, at a distance of five miles, they beheld the Brant residence, “which had a very noble and commanding aspect.” The house was two storied. “Driving up to the door we alighted. The outer door, leading into the spacious hall was open; we entered, and seeing no person about, proceeded into the parlor, which, like the hall, was for the moment unoccupied. We therefore had an opportunity of looking about us at our leisure. It was a room well furnished, with a carpet, pier and chimney glasses—mahogany tables, fashionable chairs, a guitar and a neat hanging book-case, in which, among other volumes, were perceived a Church of England Prayer Book translated into the Mohawk tongue.

“To our astonishment, in walked a charming, noble-looking Indian girl, dressed partly in native and partly in English costume. Her hair was confined on the head with a silk net, but the lower tresses escaping from thence, flowed down on her shoulders. Under a tunic or morning dress of black silk was a petticoat of the same material and color, which reached very little below the knees. Her silk stockings and kid shoes were like the rest of her dress, black. The grace and dignity of her movement—the style of her dress and manners charmed us. All was so unexpected. With great ease she welcomed us and maintained conversation until an Indian woman, wearing a man’s hat, brought in a tray with preparations for breakfast, with tea, coffee, hot rolls, butter in ice coolers, eggs, smoked beef, ham and broiled chickens; all served in neat style. Miss Brant took us to walk and look at the picturesque scenery of the country.

Having enquired of the Princess about her mother, she told us she generally remained with her other sons and daughters who were living at the Grand River; that her mother preferred being in the wigwams and disapproved to a certain degree of her and her brother John's conforming so much to the habits and customs of the English."

Capt. Francis Hall, of the British army, who travelled in the U. S. and Canada, adds interesting testimony regarding Elizabeth Brant, who he also found "at home." "She would not disgrace the circles of European fashion; her face and person are fine and graceful; she speaks English correctly and with eloquence. In speech and manners she has a softness approaching to oriental langour. She retains so much of her dress as to identify her with her people, over whom she affects no superiority, but seems pleased to preserve all the ties and duties of relationship. She held the infant of one of her relatives at the font on the Sunday of my visit to the church. The service was performed by Dr. Aaron, a grey-haired Indian and assistant priest, who had stained his cheeks with red color in honor of Sunday. The congregation consisted of sixty or seventy persons, male and female. Many of the young men were dressed in the English fashion; but several of the old warriors came with their blankets folded over them like the draperies of a statue; and in this dress, with a step and mien of great energy and dignity, forcibly reminding me of the Ancient Romans. Some of them wore large silver crosses, medals and trinkets on their arms and breasts; and a few had bandeaus, ornamented with feathers."

### JOHN AT QUEENSTON.

When the war of 1812-15 broke out, the Mohawks, **true to their ancient faith**, espoused the cause of Britain. Captain John took the field with his warriors. The Indian incidents concluded with the battle of Queenston, form a chapter that ought to be entitled "The Romance of History." The encounter between Lieut.-Colonel Scott (American) and "A cloud of Indians in the act of rushing upon his line, tomahawk in hand, while his troops were breaking and on the point of flight," is graphically given



in **Stone's Life of Brant**, Vol. II. The leader was a dauntless youth of surpassing activity, dressed, painted and plumed en graceful Indien, cap-a-pied. The stripling leader of the Indians was of graceful form and mould. He was accompanied, according to established customs, when a young chief led his men to battle for the first time, by a well-trying warrior—Captain Jacobs—a man of great strength, who guided and directed the young man through this his baptism of fire. At Beaver Dams he again distinguished himself, and in 1814 he engaged in the battles of Chippewa, Lundy's Lane and Fort Erie. In all these engagements his conduct was such as to command the admiration of his own people, as well as that of the British officers. As an Indian leader he sustained himself with great bravery, activity and integrity.

In the year 1832 John Brant was returned a member of the Provincial Parliament for the County of Haldimand, comprehending a good portion of the territory originally granted to the Mohawks. His election was contested, many of his electors not having a freehold qualification for county electors—ultimately his election was set aside.

This event occurred just before the desolating scourge of India—the cholera—made its appearance upon the continent of America; its ravages commencing at Quebec, extended up the water-way to Hamilton. Among the victims who fell before that plague, as it swept over the country of the Great Lakes, were John Brant and his electoral opponent, Colonel Warren.

John Brant was a devoted member of the Church of England. He had risen to the rank of Captain and also appointed Superintendent of the Six Nations. He was interred at the side of his father in the Mohawk burying ground, Brantford.

Elizabeth, W. J. Kerr, and Wm. Simcoe Kerr lie together within iron railings in the churchyard at the doorway of St. Luke's Church, Burlington. No stone yet records the last resting place of the historical personages whose lives give such interest.

According to the Constitution of the Mohawks which, like that of Great Britain, is unwritten, the inheritance descends through the female line. Catharine Brant, the widow of Thayen-



daneghea—or Queen Mother, she might have been called in Europe—was the eldest living daughter of the head Chief of the Turtle tribe—first in rank of the Mohawk nation. Her birthright, upon the decease of her husband—head of the Iroquois Confederacy—alone clothed with power to designate a successor to the Chieftancy. The official title of Chief of the Six Nations is Tekarihogea, to which station John, fourth and youngest son of Joseph and Catharine, was appointed.

On the death of her favorite son John, the venerable Catherine, widow of Joseph Brant, pursuant to the Mohawk law of succession, being herself of the royal line, conferred the title of **Ichkarihoken**—sometimes given as “**Tekarihogea**,” upon the infant son of her daughter Elizabeth, wife of Captain William Johnson Kerr, in 1812. During his minority—and upon the death of Catherine—the nomination was then held by Margaret Powles, who named her grandson, Joseph Lewis, Regent. In 1866, William John Simcoe Kerr, son of Elizabeth and W. J. Kerr, became “Ichkarihoken.” He died in 1870. Barrister-at-law 1862; married 28th of July, 1870, Catherine M., daughter of John W. Hunter, M. D., of Hamilton, and Olivia his wife, of which marriage there was no issue.

Captain W. J. Kerr commanded the Indians at Queenston and at Beaver Dams; was subsequently Lieutenant-Colonel and member of the Legislative Assembly. Colonel Kerr was the eldest of three brothers, William Johnson, Walter and Robert, sons of Dr. Kerr, of Niagara, all of whom bore commissions and fought the Americans bravely on the Niagara frontier during the war. They were all wounded, two of them were taken prisoners. They effected their escape. They inherited a share of Indian blood from their grandmother, Mollie Brant, sister of Captain Joseph Brant, and Indian or Morganatic wife of Sir Wm. Johnson. The Kerrs were known as “being alike fearless in battle and full of stratagem.”

The women of the Brant family were educated with great care, as well to mental culture as personal accomplishments. Elizabeth lived with Captain John at the Brant House, and assisted her mother in perfecting the institutions inaugurated by

their father, Captain Joseph, on the Grand River, for the improvement of their people. Elizabeth translated portions of the New Testament into her vernacular and devised various means for the elevation of the Indian women.

The Mohawks, like all primitive people with whom the "pale faces" and the "gourds of fire-water," have come in contact, were lovers of the fiery draughts and particularly subject to all its attendant debasing influences. Captain Joseph Brant strove vigorously against the evil, and was strongly supported in his appeals to the Powers that be by the Indian women. The "noted" and "chief-women" of the Six Nations were always held to be safe and reliable authority upon important matters affecting the welfare of the Indian people in general. The ancient powers invested in their womankind by these people were great. She was supreme in her own family, directed the education of her children. In public matters the opinion of the women was and is always asked for and acted upon as far as the judgment of the "United Council" can concur.

In the Council of Chiefs hereditary bodies are nominated to the position by the women of the various tribes and totems. A copy of the first women's petition, asking for prohibition, ever made in America, if not in the world, is dated from Burlington, 22nd of May, 1802.

The women "called the Chiefs"—they did not go as supplicants with their petition. The full text of their petition and Captain Joseph Brant's reply have already been published in the *Transactions of the Wentworth Historical Society*, Vol. 2, 1899.

These recorded proceedings on the part of the women are here alluded to as illustrative of Indian character, manners and the position that the "noted" and "chief-women" held in certain forms of primitive state politics. That the temperance cause flagged not after the death of Captain Joseph is found in the following letter written by Captain John Brant. In full text this letter, with the following letters, as to the progress of missionary and educational work on the Reserve, are to be found in autograph "Copy" in the Dundurn Castle Museum, Hamilton:

Brantford, 22nd Dec., 1828.

Gentlemen :

The frequent complaints of the Indians against the tavern kept by Sylvanus Mott (near Brantford), together with my own knowledge of the injury which that tavern has been to them, I beg to state to you the importance of a discontinuance of a license for that house while occupied by Mr. Mott.

I further beg leave to enclose a letter addressed to you by Messrs. Racey and Holmes, Magistrates, residing in the immediate vicinity of Mott's.

Yours, etc.,

JOHN BRANT,  
Supt. Indian Dept.

To the Magistrates of the District of Gore,  
assembled for the purpose of Issuing Licenses.

“Brantford, Upper Canada, 20th May, 1829.

“Sir :

I have to acknowledge the receipt of your communication of the 29th ulto., and I beg leave to report the number and situation of the Indian schools within my district.

1st—Six schools, situated on the Grand River in the District of Gore.

2nd—Two by the New England Corporation; one by the Department, and three by the Methodist Society.

3rd—The teacher of one of the Methodist Schools is an American.

4th—Eighty-six boys and sixty-five girls.

The religion of the teachers of the ) THE CHURCH  
New England and Indian Dept. Schools. ) OF ENGLAND.

6th—The languages taught in them are—in five schools, the English; in one, the Mohawk language.

There are two school-houses erected by the New England Corporation, to which the Rev. Mr. Lugger and myself will very shortly appoint teachers.

With regard to the Indians of the United States, I can only observe that the Indians of the State of New York are under the laws of that State, and they receive an annual dividend of money arising from funds of their own, and only receive presents when on deputations to the President of the United States or Governor of the State.

In my letter of the 12th March I reported that on the 24th of February I dismissed the Tuscarora schoolmaster, A. D. Kagheakonsure; since which I have appointed Jacob Thomas, who has discharged his duty in a very satisfactory manner. I beg to



recommend him to the notice of his Excellency, the Commander of the Forces, for the appointment.

I have the honor to be, Sir,

Your most obedient, humble servant,

J. B., Supt. of Six Nation Indians.

To Lieut.-Colonel Napier,

R. A. & J. J. A., Montreal."

In Stone's Life of John Brant (Vol. II., 1836 Edition, Dundurn Museum), June 1824, Captain John Brant reports:

"The children are particularly taught religious and moral duties; hours of prayer are rigidly attended to and on Sabbath they attend Divine service. Cleanliness is strictly enjoined. Corporal punishment discontinued, except in cases of flagrant indifference. Seven of the oldest children in our school read in the Mohawk Prayer Book; the others use our primers and spell very well.

"We have made an allotment of 200 acres of land for the use of a resident clergyman; 50 acres for the use of the school; \$600 towards defraying expenses of building a parsonage, and although that sum is quite insufficient, we would be thankful to obtain pecuniary aid to finish the parsonage and rebuild our church; and would rejoice to have a resident clergyman who would not consider it too laborious to travel over our several hamlets to preach the Gospel of the meek and lowly Jesus; to visit the sick, and not only by preaching, but by example, evince his devotion to the Church of Christ."

### **PRESENTATION TO CAPTAIN JOHN BRANT OF A SPLENDID SILVER CUP.**

The inscription reads :

"Presented by the New England Corporation established in London by Charter, A.D., 1662, for the Civilizing of Indians—

To John Brant, Esq.,

Ahyouwaeghs

One of the Chiefs of the  
**Mohawk Nation,**

in acknowledgment of his earnest services  
in promoting the objects of the Corporation.

A. D. 1829.

MOHAWK VILLAGE."

“Proceedings of a Council held with Six Nation Indians this day. Present—His Excellency, Sir John Colborne, K. C. B., Lieut. Governor of Upper Canada, Major General Commanding His Majesty’s Forces therein, etc., etc.; Captain Bloes, A. D. C.; Z. Mudge, Esq., Private Secretary; Captain John Brant, Superintendent Indian Department; James Racey, Esq., J. P.; William Holmes, Esq., J. P.; Rev. Robert Lugger, Rev. Abraham Miller, Missionaries.

His Excellency in his speech said—“That the King had given them one of the finest tracts of land, foreseeing that at some period they would be surrounded by a large population of Colonists, and their hunting and fishing would be interrupted. That the time had arrived, and that for their future subsistence and comfort they must become agriculturalists; in recommending that each family should take a certain number of acres to cultivate, and their lots should descend to their children; and they should not have the power of disposing of them, or selling them; and the remainder of their lands should be leased out for the benefit of their children.

He recommended them to pay attention to the instruction of their Minister and to send their children to the schools conducted by them, etc.

In reply—Joseph, Principal Chief of the Oneidas, “assured his Excellency, on behalf of the tribes now present, that, as to the Schools that we have established among us for the benefit of our young people, we are thankful to say that we have had a Church for forty years and a resident minister. We feel much indebted to our Superintendent for his exertions in establishing schools for the instruction of our children and also for the minister that we have now residing with us; and we feel grateful to the King for appointing our own Chief to take charge of our affairs.”

Chief Vanevry, a Cayuga, then spoke: “Our Chiefs, who are dead and gone had the firmest confidence in the King, for he had always assured them that their lands should be secured to them and their children, without encroachment, for which we are thankful. With respect to religion, we thank the Governor for what he has said, and we know that there is but One God for all mankind.”

“Brantford, U. C., 28th Nov., 1829.

“Sir—In compliance with your request, I lose no time in forwarding to you the information required in your letter of the 6th inst. The means of support for the Indian Schools on the Grand River are derived from three sources—The Indian Department, New England Corporation in London, and the Methodist Missionary Society. There are altogether eight schools—four built and supported by the New England Corporation at fifty pounds sterling per annum to each, with white teachers. One by the Indian Department with a native teacher at twenty pounds sterling per annum, and three by the Methodist Missionary Society, two of which have white teachers with thirty-seven pounds ten shillings currency a year each. The third of the Methodist schools has a native teacher, who receives no stated salary, but an occasional remuneration for his trouble.

The Methodist Society which supports these schools is partly a Canadian and partly a United States institution, and therefore not a British institute.

I have the honor, Sir, to remain your obedient servant,

JOHN BRANT,

Supt. Indian Nation.

To Lieut.-Colonel Napier, Indian Dept., Montreal.”

### “THE CARRYING PLACE,” ON BURLINGTON BEACH.

On the roll of illustrious Canadian explorers, missionaries and travellers associated with Lake Ontario and “the Head of the Lake,” few appeal more forcibly to the endearing regard of the present generation than those of Governor Simcoe and his accomplished wife. From the diary and sketch book of Mrs. Simcoe (1792-93-94, we derive much that is interesting. Scenes of beauty and vantage in our neighborhood are pictured in nature’s rich, still beauty and color, that compared with the present throbbing activities of commercial and suburban life, give us great proof by comparison of the onward results the nineteenth century has accomplished.

The modern name “Burlington Bay” was affixed to this sheet of water by proclamation 16th June, 1792. It had been pre-



viously known as Geneva Lake, so called on account of its exceptional natural beauty, "perhaps as beautiful and romantic a situation as any in the interior of America, particularly if we include with it a marshy lake which falls into it and a noble promontory that divides them." (Topographical description of U. C. by Sir F. Gore.)

Another familiar figure often seen traversing the sands of the Beach, was the eminent pioneer land surveyor, Augustus Jones, whose list of explorations and actual first surveys in the new Province of Upper Canada is something surprising.

Augustus Jones built his house on the southern shore beach or end of the beach, now called Stoney Creek, supposed to be the site of what was known as the "Salt Works Farm." The beautiful smooth sands formed a delightful natural road over which they travelled backward and forward, making and exchanging colonial hospitalities one with the other.

Other men of note whose footprints are traceable on the sands of Peter Jones' free natural causeway, were Captain Norton, while in charge of Indian deputations, or contingents, en route to and from the Governor's headquarters, after his removal to York. The heights are especially noted in Jones' surveys, as a formation of land that in the old feudal days would have been selected by some robber chief for his castle and watch tower, whence an extensive view could be obtained in all directions of the compass—a strategic forecast fulfilled during the war of 1812-13-14, where Government had established important stores.

Think not that County Historical Societies are of fleeting value. Patriotism is one of the most powerful instincts of the human race. To keep alive an intelligent love of our country we must secure and hand down intact to our children's children the historic deeds of their ancestors. The Wentworth Historical Society has done a good deal in the way of discharging this duty which we owe to posterity; yet within this historic county there is still much to be done—many hidden threads of deepest interest to be gathered and woven into the vast web of British History.

Hamilton, June, 1904.

## The First Agricultural Society Within the Limits of Wentworth—1806.

H. H. ROBERTSON.

One of the first steps of Lieutenant-Governor Simcoe, on assuming office in Upper Canada, was to encourage agriculture by the formation of an Agricultural Society at Niagara, and although no Parliamentary aid was voted to such Societies until the year 1830, prior to that year "patriotic persons," to quote the first published journal of the Board of Agriculture of Upper Canada—organized in 1846—"exerted themselves successfully in the object of establishing local Agricultural Societies." (Report on Fairs, Ontario, C. C. James, M. A., 1902-1903; Kirby's Annals of Niagara, 114; Canniff's Settlement of U. C., 580.)

As early as 1806 there was such a Society, of which the freeholders in the Townships now constituting the County of Wentworth, were the members. The original By-Laws of this Society, neatly engrossed on stout paper by the Secretary, Titus Geer Simons, is in the possession of the writer, and a copy appended hereto. In 1806 there had been no survey of Hamilton. No settlement on Burlington Bay had received that name, and Wentworth was yet unknown. The Society of 1806 called itself "The Burlington Board of Agriculture," and that Burlington was the name by which the small settlement at the end, as well as on the south of Burlington Bay was known in 1806, is attested by a map drawn as late as 1816, by Lieut. Francis Hall, 14th Light Dragoons, and published in Cruickshank's Documentary History, (1812, p. 1). That Hamilton was the name given in 1813 is true, but Lieut. Hall's testimony is evidence of the name before that date. The name Burlington seems to have been used in the early days, interchangeably, though not so frequently, as Head of the Lake.

The village of Wellington Square adopted the name Burlington at the time when Hamilton had grown to the dimensions of

a city, and later still the always ambitious city, in characteristic enterprise, sought Parliamentary sanction to rename the historic Bay, with its beach and heights—made famous as the theatre of the military operations of 1812-14, and referred to in every dispatch as Burlington—Hamilton Bay and Hamilton Beach, after its younger but now more important self! Such an attempt, having as a consequence the confusion of the identity of historic ground, must earn our protest alike for its consequences, and the motive which prompted it.

Following is the Constitution of the Burlington Board of Agriculture of 1806 :

### **PLAN FOR A BOARD OF AGRICULTURE.**

#### **RESOLUTIONS.**

- First—That we do constitute ourselves into a Society for promoting the science of Agriculture and carrying into effect the improved art of husbandry within our respective circle.
- Second—That the said Society shall be called by the name of the Burlington Board of Agriculture, and shall be known by such.

#### **LAWS OF THE BOARD.**

- I.—That the Board shall sit annually on the first day of May, excepting when the first day of May shall fall on Sunday, in which case, on the Monday ensuing.
- II.—That the Board when met shall annually, on the first day of May, nominate and appoint by vote a Committee consisting of nine of the members of said Board, to transact such business as the Board shall think proper from time to time to lay before them.
- III.—At every such annual election not less than six of the then standing Committee shall be re-elected.
- IV.—The newly appointed Committee shall then annually elect a President and a Secretary for the Board.
- V.—That a fund shall be established by an equal collection to be voted at the aforesaid annual meeting for the purpose of rewarding merit.



- VI.—The then standing acting Committee shall be the trustees of the Board, who shall have the disposal of such monies as shall be voted as in article 5th (fifth).
- VII.—That the acting Committee shall appoint out of their members at the annual meeting a Cashier, who shall annually render an account of all monies deposited into his hands, with lawful interest on the same.
- VIII.—That the acting Committee shall be the Judges of the merits of the claimants for rewards, and shall have the power to assemble the Board as occasion may require, and likewise that of admitting new members. Provided always that the applicants be freeholders of the Province and actual cultivators of the soil.

(Endorsed)

LAWS

and

RESOLUTIONS

relative

to the BOARD OF AGRICULTURE.

Established on Thursday the first May  
in the year of our Lord One  
Thousand eight hundred and six.

(sd.)

Titus Geer Simons, Secy.



## The George Hamilton Burial Plot.

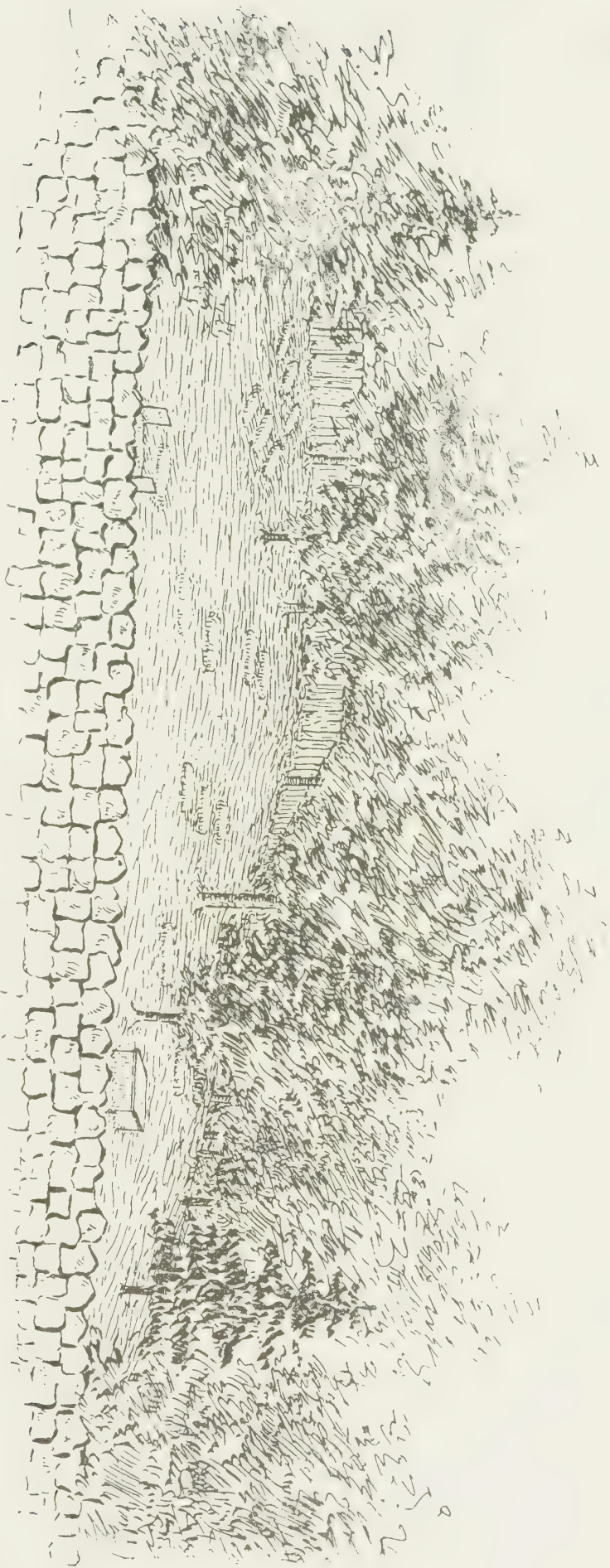
BY AGNES HAMILTON-LEMON.

The accompanying sketch taken by me many years ago shows the quiet little nook on the mountain side, just at the turn of the road at the head of Ferguson Ave., leading up the mountain, in which my grandfather, the late George Hamilton, laid to rest the members of his family who pre-deceased him.

In those early days there were yet no church-yards and but few burial places, but throughout the country, quiet spots were selected where, under the shade of the forest trees, the little ones were laid away, not far from the homes they had brightened, and presently the elder ones were also carried thither, so "as in death they were not divided."

This grave-yard was probably the first in the locality, and many neighboring family friends were glad to avail themselves of this lovely spot in which to bury their dead. Among others, I may mention the names of Judge Taylor; John Law and his infant children; Captain Bastedo; the Durands; the infant son of Sheriff Jarvis, and Dr. Case, the father of the late Dr. Wm. J. Case, lately deceased, who was so well known throughout the country. My grandfather, George Hamilton, came from Queenston, to reside in this locality about the year 1812, and he was buried here in the year 1836, and my mother, Catharine Hamilton, in 1847, and subsequently several other members of our family. A lovely spot it was as I remember it some forty years ago. Our Sunday walk was to this grave-yard. There we carried our fairest flowers and cared for our graves. But times' relentless fingers have not spared the old grave-yard. Not many years ago wooden steps were built close to its eastern boundary, leading from the town below, and its seclusion became so invaded that it was found necessary to remove the bodies to the Hamilton cemetery. This was effected in the year 1894 by the City of Hamilton becoming the owner of this burial plot and granting in exchange to the Hamilton family a lot in the cemetery, to which the remains

FAMILY BURIAL GROUND OF GEORGE HAMILTON.







were removed, and over them the corporation of the City of Hamilton erected an imposing granite monument in memory of George Hamilton, the founder of the city, and from whom it derived its name. The surviving friends of those who had been buried there were notified of the change, and many of them took charge of their own. The city officials undertook the removal of the remainder, and thus all the dead, with one exception, were removed to the public cemetery.

The old "Hamilton Grave-yard" now forms part of the Mountain-side park, and only the "Case tomb" stands to identify the locality as having once been the home of the dead.



## Historical Comments on the Origin and Development of Some of the Laws of Ontario.

BY CHARLES LEMON.

In order that a community of people may live together in peace and harmony there must of necessity be a governing body and rules to govern, and the power to make these rules or laws lies in the Government, and the duty of the Government is not only to make the laws, but to enforce them.

The power to make laws for the Province of Ontario lies—

Firstly—In the Imperial Government.

Secondly—In the Dominion Government.

Thirdly—In the Ontario Government, and

Fourthly—In the Council of the Municipality of each City, Town, County, Township and Incorporated Village.

Under British laws, Colonies may be acquired by occupancy, conquest and by Treaty or Cession.

On the acquisition of a new Colony, we must first consider what system of law is to be enforced, and by what authority new laws are to be made and introduced. In conquered Colonies, the laws existing at the time of the conquest (except, as Blackstone says, those that are contrary to the laws of God) remain in force until altered by the Sovereign, who can, as Conqueror, impose on the Conquered such laws as he and his Council or Government may please. The inhabitants at and after the time of the conquest become the subjects of the Conqueror, that is to say British subjects.

In ceded Colonies the rule is the same as in conquered Colonies, except in so far as the power of the Crown may be modified by treaty or cession, and it is in this latter class that the acquisition of Canada, under the Treaty of Paris, 1763, though then a conquered country, may be most properly referred.



In the absence of any interference by the Crown or by the terms of the treaty, the then existing laws would continue in force in Canada.

Prior to the capture of Quebec by General Wolfe, in 1759, Canada belonged to the French, and the French law prevailed. On the capitulation of that town, it was provided in the Articles of Agreement, that the inhabitants should retain possession of their property, privileges and their religion. Montreal subsequently surrendered in September, 1761, and by the terms of capitulation, the inhabitants were guaranteed the free exercise of their religion, but not of their laws, usages and customs. Under the Treaty of Paris, 1763, the French possessions in North America were ceded to Great Britain under certain provisions founded in some measure on the Articles of Capitulation. In the same year King George III., in exercise of the prerogative right, issued a proclamation, introducing the Law of England, Civil and Criminal, in general terms, into the ceded territory then formed into the Province of Quebec, but by some inadvertance the territory was so described as to exclude the greater part of it.

In regard to the excluded part, no provision was made for its civil government.

The French Canadian population being dissatisfied with the introduction of the British law, the British Government, in 1766, referred the matter to the Attorney and Solicitor General, and they reported in favor of re-establishing the French Law in Civil matters. This does not seem to have been satisfactory to the Imperial Authorities, and the question was again referred to the Advocate General, the Solicitor General and the Attorney General, and they, in 1773, reported to the same effect. This resulted in the passage of the Imperial Statute 14. George III., Chp. 83 (in the year 1774), called the Quebec Act. This Statute recited the defects in the proclamation of 1763, enlarged the limits assigned to the Province of Quebec, which included the whole of Upper Canada—westward to the Mississippi and southward to the Ohio River. That statute also recited that the provisions made by the proclamation for the Civil Government had on experience been found inapplicable to the State and circum-

stances of the Province; the inhabitants whereof had been enjoying an established form of Constitution and system of law, by which their persons and property had been protected and governed for a long series of years; it was provided that the proclamation should be revoked, and that in all matters relating to property and civil right customs and usages, resort should be had to the laws of Canada (meaning the French Law in force before the proclamation), until by such ordinances as might from time to time be passed by the Governor and Legislative Council to be appointed, as set forth by that statute. It was, however, provided that the statute should not extend to lands granted or to be granted by the Crown in fee-simple, and that the owners of lands, goods and chattels might by will bequeath the same, notwithstanding any law, custom or usage, prevalent in the Province to the contrary, and the Criminal Law of England was retained. This Act took effect on the first day of May, 1775.

You will notice that with the exceptions above stated the old French laws were again in force, and continued in force until the year 1792, when the Provincial Act 32, George III., came into force.

During the French rule, between the years 1608 and 1760, an effort was made to establish a class of Nobles in Quebec by granting to certain persons called Lords or Seigneurs large tracts of land, who leased them to the people. This is known as the Signorial Tenure.

There were few parts of the world where the relics of the Feudal system were preserved so intact, as in Lower Canada, and it certainly had a retarding effect in that Province; so much so that it was afterwards found necessary to change the system relative to the tenure of lands. To effect this, the Act known as the "Signorial Tenure Act" was passed in the year 1854, by which that system was abolished.

While the Quebec Act of 1774-5 was in force there was a very important influx of people from the United States Colonies, into British North America. These were the U. E. Loyalists, who laid the foundation of the Provinces now known as New Brunswick, Ontario and Nova Scotia, and who exercised a very large

influence in the development of representative institutions and local laws.

The Provincial Statutes of 1772 were from time to time modified by Ordinances of the Governor in Council, who, until the granting of a constitution in the year 1791, and under the Imperial Statute of 31 and 32, George III., had the legislative control of the Province. Two important changes under these Ordinances were the introduction of a Writ of Habeas Corpus in 1784 and of Trial by Jury in 1785.

By the Imperial statute 31, George III., 1791, known as the "Constitutional Act," the power given by the Act 14, George III. to the Governor in Council to legislate, was repealed, and the former Province of Quebec was divided into the Provinces of Upper and Lower Canada, with a separate constitution and representative form of government to each, and power to legislate was vested in the Legislative Council and Legislative Assembly. The assent of the Crown expressed through the Governor being required to any measure becoming law. That all lands to be granted in Upper Canada should be in free and common Soccage (that is, the full ownership with the right of disposing of it, as we now understand the expression). This statute of 1791 still left the former French Canadian law and Ordinances of the Governor in Council in force in Upper Canada. By this act, also, one-seventh of the Crown lands in each Province was set apart for the support of and maintenance of a Protestant Clergy within the same.

This provision was no doubt made with the best intentions and as being necessary, owing to the sparse settlement of the Country, to assist in supporting and fostering religion and religious institutions, and which the people were then unable adequately to maintain. Afterwards, as the country became more populous and these lands grew more valuable, and rival religious bodies grew stronger and more numerous, a great deal of ill-feeling, jealousy and controversy arose, which finally led to the passing of the Act of 1840, directing a sale of some of these lands and to apply the proceeds to the Churches of England and Scotland. And in 1854 Sir John A. Macdonald, under the authority of the Imperial Act, introduced a Bill to secularize the Clergy



Reserves, and for a sale thereof and the distribution of the proceeds. This was fully carried out, and was termed the "Separation of Church and State" in Canada.

By the statute of 1791, the people were for the first time represented in an assembly or parliament elected by themselves.

The first Governor of Upper Canada was General John Graves Simcoe. He was on the 8th day of July, 1792, sworn in as Lieut. Governor, and he convened the first Parliament of Upper Canada at Newark (now Niagara) on the 17th day of September, 1792. The Hon Wm. Osgoode being the Chief Justice of Upper Canada.

Governor Simcoe assisted very greatly in organizing and building up the institutions of Upper Canada and moulding the laws, until he was appointed Governor of St. Domingo, in Dec., 1796.

Under the first Act of this Parliament 32, George III. (1792), reciting that Upper Canada had been principally settled by British subjects unaccustomed to the laws of Canada (meaning the French law), the provision made by the Act 14, George III., Chap. 83, "That in matters of controversy, relative to property and civil rights, resort should be had to the laws of Canada," was by that statute repealed, and it was declared that in such matters resort should be had to the laws of England, as the rule for the decision of the same.

The Ordinances therefore made by the Governor in Council were to remain in force, except so far as necessarily repealed by the provisions of that statute, and also as to the ecclesiastical rights, forms of procedure and jurisdiction of the Courts.

By the second Act of the same Parliament all issues of Fact were to be determined by the unanimous verdict of 12 jurors conformable to the law of England. Also such English laws as were not applicable to the state and condition of the Province, were excepted and not introduced. These latter laws were not mentioned in special terms, as it would hardly have been possible to do so. As to what laws come under this exception, many decisions have been made by the Courts, and Legislatures have enacted statutes regarding it, but questions arise from time to time showing that the matter is still unsettled.

By the Imperial Act of 3 and 4, Victoria (1840), Chap. 35, Lord Sydenham being Governor, and Kingston the Capital, of Canada, the Provinces of Upper and Lower Canada were united, and a new constitution granted, by which the power of the Legislature was vested in Her Majesty the Queen, with the advice and consent of a Legislative Council and Legislative Assembly.

This Act of Union also provides that all Courts of Justice, Administrative and Judicial Officers, etc., in each of the former Provinces, should continue.

The Provincial right of Legislation rested on the Act of Union of 1840, but the Imperial Parliament could and can still enact laws binding on us, notwithstanding the grant of a constitution and power to legislate for ourselves.

Imperial Statutes do not, however, apply to Colonies unless specially named, or the Statutes be in their nature of such universal policy as manifestly to be intended to effect or include the Colonies.

It will be remembered that it was because the British Government insisted upon the right to exercise this power of making laws and imposing taxes on the American Colonies, that in a large measure caused the American Revolution.

### CRIMINAL LAW.

The introduction of the British Criminal Law into Canada stands on a different footing from the Civil Law. The Criminal Law was introduced by the Royal proclamation of 1763 into the then Province of Quebec, as there defined, and afterwards by statute 14 (1774) George III., Chap. 83, extended to the whole territory, including Upper Canada, and has ever since been continued in force, being expressly recognized in Upper Canada by Statute 40, George III., (1800), Chap. 1, and since then modified by that and many subsequent Provincial Statutes, and culminating in our present day Criminal Code, which came into force on the first day of July, 1893.

Up to the year 1858 the laws above mentioned applied to both Upper and Lower Canada, and it was, for various reasons,

found necessary to classify and consolidate them. The work was completed and assented to by Parliament on the 4th day of May, 1859, and published in two volumes. Volume 1 contains the laws relating to Upper Canada exclusively. Sir Edmund Walker Head, Bart, the then Governor General, by order in Council of the 9th of November, 1859, declared that those laws should come into force on the 5th day of December, 1859.

These two volumes were placed in the hands of the magistrates throughout the country, and being in such convenient form were easily perused. Besides, there was the satisfaction of knowing that they contained the whole Statute Law of the country, civil and criminal, to that time. Since then there have been further revisions and consolidations of the Ontario laws, viz., in the year 1877, 1887 and in 1897. The laws of the Dominion were also revised in 1886, and published in two volumes. Another revision is about completed, and will soon be issued.

I will now trace the growth of some of the important Statute Laws of Ontario, and give historic events connected therewith.

In the first place, I think it might be interesting, as well as proper, to refer to the laws and rules which govern those who are empowered to assist in the administration of the laws by setting the wheels of "Justice" in motion, viz., the Judges and the Lawyers.

The law relating to lawyers and the admission of students and granting of licenses to practice the profession of law in Canada, was first governed by the Ordinance of Quebec, 29, George III. (1789). Under this Ordinance a Law Society was formed and empowered to make rules for the admission of students, to regulate their course of study, and for their final examination as to fitness for admission to practice.

This Society continued to act under that Ordinance until the Statute, 37, George III., Chap. 13, was enacted, which Act extended the powers of the Society and authorized its continuance. Later on by Statute 2, George IV., Chap. 5, it was enacted that the Law Society as it then existed, should continue as a Body corporate, under the name of the "Law Society of Upper Canada."

As recited in this Statute, the Society was "established for



the promotion of the interests and education of the legal profession, and to provide a Learned and Honorable Body to assist in the administration of the laws.”

Under this Act, and the subsequent rules made pursuant thereto, that Society has to the present time continued to be governed by an elective Board called “*Benchers*,” elected from among its members, who are empowered to make rules to govern the Society and for the examination of applicants for call to the Bar, and for admission to practice as Solicitors, and also for admission of students to commence their legal studies.

In June, 1846, in consideration of grants from the Crown, this Society undertook to provide suitable buildings required for the accommodation of the Superior Courts of Law and Equity and the necessary offices connected therewith, for all time to come. This building was accordingly erected in Toronto, and named “*Osgoode Hall*,” after William Osgoode, the first Chief Justice of Upper Canada, and it has since been greatly enlarged and improved so as to accommodate the large staff of Judges and officials necessary to carry on the ever increasing legal and judicial work of the Province presented there from day to day. Osgoode Hall is now one of the principal objects of interest pointed out to a visitor. It contains several fine court rooms, a convocation hall, and the second largest and most valuable library in Canada. The building is open to all and is well worth a visit. This Society receives annual fees from the law students, barristers and solicitors of Ontario, and last year (1903) these fees were upwards of \$47,000.00.

From the members of this Society, and the members of other kindred societies in the respective Provinces, the Government of the Dominion selects the judges who are to administer the law.

### TRIAL BY JURY

Has always been regarded as the glory of the British law, and one of the greatest privileges of a British subject. It secures the impartial administration of justice—personal freedom and right of property. This security is the great end of civil society.

In searching its history we find that Trial by Jury has ex-

isted in England from a very early period and can be traced as far back as the Conquest. Trial by Ordeal fell into disuse in the 13th century, and Trial by Jury in some measure, as we understand it, continued; and it was one of the principles insisted upon and contained in the great Charter wrested from King John at Runnymede. At first it was a very crude and imperfect mode of trial, both in adaptation and practice; the jurors themselves being the witnesses or had to furnish the evidence. By use and experience this system became from time to time greatly improved and more adapted to the exigency of the times and circumstances of the country.

This mode of trial did not exist under the French law or rule in this country, but was introduced into Canada as part of the British Criminal law at the Cession of the country in 1763; and by the Ordinances of 1785 and the second Act of the Parliament of Canada, 1792. This latter Statute declared that Issues of Fact were to be determined by the unanimous verdict of 12 jurors conformable to the laws of England. The Ordinances of 1785 did not require the verdict to be unanimous; a majority of 9 governed. That a trial on an issue of fact between a French Canadian and any other British subject, half of the jury should be French. On a trial between Canadians the jury should be all Canadians.

The old established principles of trials by jury have been from time to time greatly modified; and now there are only certain kinds of cases that must be tried by a jury, and others in which it is optional by either party, and some others in which no jury is allowed. In criminal cases the rule is governed by the nature of the case or offense. In certain cases a Police Magistrate has full jurisdiction to hear and decide. In others the prisoner can elect by whom he will be tried, i. e., by the Magistrate or by the County Judge, with or without a jury. If the prisoner elects to be tried by a jury or declines to elect, the Magistrate must send the prisoner to the higher court for election and trial. Shortly stated, these are the principles which now govern the Trial by Jury in civil and criminal cases.

As to whether justice is more likely to be attained through the verdict of a jury than by a Judge alone, it is observable that

a prisoner, especially prisoners charged with the higher crimes, generally elect to be tried by a Jury, so that I think from this we may conclude that it is not justice that is wanted but rather the supposed opportunity to evade that justice, which the accused might more surely receive from a judge alone. A jury is generally thought to be more lenient or sympathetic than a judge, or probably more careless of responsibility. However, we must not entirely do away with that institution, which has so well fostered the individual safety, from possible unscrupulous judges. (Like Judge Jefferies, of infamous notoriety). Although in our time no such danger seems possible, as we are greatly favored by a conscientious Judiciary, and Blackstone says, "It is therefore upon the whole a duty which every man owes his country, his friends, posterity and himself, to maintain, to the utmost of his power, this invaluable institution in all its rights and dignity, as the best preservative of individual liberty.

### THE MUNICIPAL ACT.

In the year 1842 the Statute known as the Municipal Act came into force. It is by the authority of this act that all municipalities are incorporated and empowered to select a Council, and to enact by-laws to regulate their own immediate local government. It will thus be seen that the Council of every Municipal Corporation is a small parliament possessed of extensive and important, though limited, powers.

This Statute was at first composed of a selection of the Ordinances and laws which had been enacted from time to time for various and separate local objects, from a very early period in the history of the Provinces. These enactments were in that year collected, revised and consolidated.

This new form of the law was a most popular enactment and of great utility to the country.

This revision was done by the late Chief Justice Robert A. Harrison, prior to his elevation to the Bench. The Statute was put into book form by him with extensive notes to the several sections, and has since gone through several editions.

To so great an extent does this Statute effect the many com-



mon affairs of the people of local municipalities, that it has been found necessary to make changes and additions to it, and at almost every Session of the Legislature you may observe notices for additions to, or amendments in many forms in amplifying and adapting it to the ever-changing conditions of an enterprising, progressive people.

#### THE BRITISH NORTH AMERICA ACT.

The most important historical and political event in the affairs of British North America was when the Imperial Statute, 30 and 31, Victoria, Chap 3, came into force on the 1st day of July, 1867. Under this Statute, the Provinces of Upper and Lower Canada, Nova Scotia and New Brunswick were confederated into one Dominion, under the Crown of the United Kingdom of Great Britain and Ireland, and provision was made for the admission of the other parts of British North America.

This Natal day was celebrated in every part of the country with great rejoicing, and is set apart as a Statutory Public Holiday, known as Dominion Day—which has since been annually observed as such with increased enthusiasm.

Since that date other parts of British North America have joined the Confederation, and now only one of the Provinces (New Foundland) remains outside waiting a favorable opportunity to be admitted.

Lord Monck was the first Governor General of Canada and the Hon. William Pearce Howland, C. B., the first Lieut. Governor of Ontario.

By this Act, each Province was given control of its own local affairs, and all that friction and jealousy which had been for years continuously arising from many causes between Upper and Lower Canada has almost disappeared, and natural and commendable emulation has taken the place of strife and irritating jealousy. Increased prosperity has attended this confederation, and the prospects are that the New Dominion will steadily increase in wealth, importance and influence, and continue to hold its present position of being the most important, and certainly the brightest, Jewel in the Crown of the Greater Britain beyond the seas, and in which Ontario is the chief Province.

Hamilton, A. D., 1904.

## Militia Rolls of 1812.

JUSTUS A. GRIFFIN.

Many interesting historical documents are continually being destroyed by uninterested heirs of people who carefully preserved them, and it is congenial work for historians to help in saving some of these writings or to record how they have been preserved. This is my pleasant task on this occasion.

Among the early settlers near the Head-of-the-Lake was family named McAfee, and three brothers of that name bore their part in the war of 1812, namely, Angus, Samuel and Daniel. Angus married, before the war, Miss Thamar Hughson, daughter of Nathaniel Hughson, sr., and sister of George, Nathaniel, jr., Robert and James Hughson, names well known in this city a generation ago. To a son of Angus and Thamar McAfee we are indebted for the preservation of the rolls of two companies which served in the war of 1812, and for other papers relating to that period.

A common saying tells us "It is the unexpected which happens;" and who would have expected that the proposed gathering of Hamilton Old Boys would lead to the acquisition by this Society of the documents we have here to-night? But that is the truth. Mr. N. H. McAfee, of Burgessville, Ont., is a reader of the Hamilton Spectator, and therein saw mention of discussion about an Old Boys' Day. On the 5th February he wrote to the Spectator the following letter:

I would just like to say that I am one of Hamilton's Old Boys, as my parents moved to Burlington Beach when I was four years old, and from there, when I was twelve years old, they moved to Hamilton.

My grandfather was Nathaniel Hughson. My grandmother was Col. Land's sister. My father and mother were both U. E. Loyalists.

I have in my possession some old historical papers, two Militia Rolls of 1812, some relics of the taking of Detroit in 1812, some letters from the Niagara frontier.

If convenient please hand this to the president of the Historical Society.

Yours truly,

N. H. McAFEE,

BURGESSVILLE, ONT.

Feb. 5, 1903.

The editor sent this letter to your Secretary who answered it at once and in a few weeks received another letter enclosing the rolls and the letters which are now among our prized belongings. This letter is dated at Burgessville, Feb. 25, 1903, and is as follows :

BURGESSVILLE, Feb. 25, 1903.

JUSTUS A. GRIFFIN,

SIR,

Yours of the 6th came to hand in due time, but it found me very ill with a cold. I here send you what I have left of the things. I did have a sword and a musket that my father took at Queenstown Heights. The sword was a seargant's, with an eagle head on the hilt; my brother got that and lost it.

I was this fall on the Rondeau beach, where I have heard my father say they beached their boat in 1812, when they were going to take Detroit.

He told a little anecdote about General Brock. They were cooking their breakfast and my father had mixed some flour and wound the dough around a stick and he stuck the end of the stick in the ground before the fire. They had caught some herring and he was roasting some of them when the general came along and said, " Comrade, I will mess with you this morning."

My father was acting quartermaster all through the campaign. He was at the taking of Detroit and Fort Niagara, at the battles of Queens-town Heights, Chippewa and Lundy's Lane, and he was present at the burning of Buffalo.

Well I remember the first day of the rebellion in Hamilton. The rebels got the news that McKenzie had made his stand at Gallows Hill, and an old " Yankee " named Lind went through the streets, swinging his arms and crying, " turn out, boys, and take the town in a few minutes." He was hustled into the jail.

The little steamer " Experiment " came in from Toronto and the news went like wild fire what the rebels were doing there. Sir Allan McNab rode down to the wharf and put a guard on board of the boat and beat up for volunteers. The first man to volunteer was John Tom, Master of Orange Lodge No. 386. About four o'clock the Experiment left for Toronto with a full load of men of Gore to help the Government. My brother Angus was one of them. My uncle, James Hughson, had charge of the firearms. George Chisholm when he came back had a rifle ball in the stock of his musket. When he went to fire it struck his musket opposite his cheek.

There were all manner of rumors the morning after the boat left, that the rebels had taken Toronto, and that the Experiment was sunk passing the fort, but when she came in at noon they all proved false.

Samuel and Daniel McAfee were uncles of mine. The Hughsons and Lands are relatives of mine. I might also mention that I am the Nat. McAfee who helped make the ice boat.

I can trace a lot of the volunteers off of the Roll Call I send you. I hope these papers will be quite an addition to the old relics. I was only twelve when my father died, and I have had charge of the papers ever since.

Yours truly,

N. H. McAFEE.



It is perhaps well to enumerate these papers, and in some cases short comments may be desirable. They are:

1—"A complete roll of the 2nd Flank Company of 5th Lincoln Militia at their first establishment:"

Capt. Jas. Durand	Wm. Schram
Lieut. Wm. Davis	Chris Row
Ensign Joseph Burney	James Trainor
Sergt. Angus McAfee	Jonas Smith
Sergt. George Chisholm	Math. Lavrey
Sergt. John Aikman	Thos. Choat
Abel Brown	Christian Fink
Fredk. Snider	Levi Bonham
Adam Young	Gilbert Shaw
Daniel Shafer	John Snider
John Springsted	John Comb
Nat. Crowel	David McAfee
David Trainor	Fredk. Hotrum
John Yager	John Land
Oliver Eris (or Erb)	John Young
Jacob Smith	Paul Clement
John Bates	Josiah Bennet
John Bouslaugh	Absalom Summers
John Pottreff	Peter Jones
Robert Biggar	Simon Bradt
Wm. Markle	Daniel Croswit
John Ferguson	James Gage
Freeman Green	John Ritchard
Joseph Shafer	John McDavid
Joshua Steves	John Kribs
Andrew Wedge	Nathl. Hughson
Thomas Harman	Robert Lucas
Isaac Carman	Thos Wedge
John Gilbreath	Joseph Loudon
Stephen Jones	Robert Hughson
Thos. Whitaker	Wm. Reynolds
Hugh Girvin	Wm. Steward
Seth White	Alex. Aikman
Michael Doger	Jas. Tillet
Zach. Markle	Jas. Rikman
Andrew Lebar	Andrew Gage
Jas. Fisher	Charles McIves
John Mulholand	Henry Burkholder
Wm. Biggar	Vandel Brett
John Lee	Amos Biggar
Henry Smith	John Depew
Peter Smoke	John Depew, Jun.
Adam Almase	Benjamin Phiter
David Reynolds	Wm. Hannon.
Jacob Sipes	

This contains the names of three officers and 86 non-coms and privates, Angus McAfee being first Sergt., George Chisholm 2nd, and John Aikman the 3rd Sergeant. 28 names have lines

drawn through them, why is not explained, but as several of them are known to have served all through the war it is probable that they were transferred to other companies for equalization purposes, that being a common military practice.

2—"Roll of Capt. Hatt's Company of Volunteers; a part of the 5th Lincoln and 2nd York Militia."

Robert Land, Lieut.  
Wm. Chisholm, Ensign  
Angus McAfee, Sergeant  
John Batey, Sergeant  
Peter VanEvery  
Caleb Forsyth  
John Pier  
Jonathan Cooke  
John Rulefson  
Samuel McAfee  
Joseph Marsan  
Thomas Larisan  
David Kemp  
Rusel Olmsted  
George Knowls  
John Campbell  
Wm. Reynolds  
Robert S. Ker  
James Campbell  
James Rykman  
Nathaniel Hughson  
Frank Hotrum  
John Combs  
Robert Lucas  
Daniel McAfee  
Henry Storms  
Robert Hughson  
Joseph Loudon  
John Cribs  
James Fisher  
John Land  
John Young

Paul Clement  
John Ireland  
Wm. Shannon  
Aaron Lundon  
Richard Hull  
Abraham Bastido  
Jacob Lepond  
Daniel V. King  
James B. King  
Daniel Walsworth  
John Shelar  
Walter Whaling  
Frederic Anger  
Wm. McKay  
Amos Wilcocks  
David Strobridge  
Miles Hendrick  
Peter Miars Henry  
Benjamin Markle  
John Teaple  
Gilbert Balding  
Isaac Shafer  
Thomas Wedge  
David McMahers  
Michael VanEvery  
Charles Armstrong  
Jacob Livergood  
Thomas Corner, sick  
Anson McArtey, deserter  
Aaron Cornwall, deserter  
John Aplegarth, promoted  
John Wilson, with leave

This contains the names of three officers with 62 non-coms and privates, Angus McAfee again being first sergeant.

Neither of these rolls bears any date. It is noticeable that two of the 62 men are marked as "Deserters."

In 1812 the County of York included the present County of Halton and part of what is now Wentworth; the 2nd York Regiment was enlisted in the parts so included. No doubt the Volunteer Company from 2nd York and 5th Lincoln, under Capt. Hatt, is the one which accompanied Gen. Brock from "The Head of the Lake" to Detroit, and was included with those from Tor-

onto in the General's reference to the York Militia. It is known that Capt. Hatt was at the capture of Detroit, and all the facts indicate that this was his command. Two hundred militia left Toronto with the General and over three hundred accompanied him from Long Point. In the report of the Court-martial on the United States General Hull for cowardice it is stated of Gen. Brock's army: "The force at his disposal did not exceed seven hundred combatants, and of this number four hundred were Canadian militia disguised in red coats."

3—Letter written at Niagara, July 2, 1812, signed by Angus McAfee and George Hughson, addressed "Mrs Thamar McAfee. (Favored by Mr. John Aikman, Barton)."

Niagara, July the 2nd, 1812.

Dear Wife—I take this opportunity to inform you that I am in good health, hoping these few lines may find you enjoying the same state. We got down to Niagara on Monday at twelve o'clock, and were ordered into a house belonging to Thomas Dickson, Esq., where we expect to remain. We have not heard anything material, and we are certain that hostilities will not commence until we get orders from Quebec, which will not be very soon, and it is expected that a truce will be settled before that time. I have to request of you to send me three blankets, as I am destitute, and so are my brothers. Our Company and Mr. Hatt's Company are quartered in the same house. The Yankees are very solicitous for peace, as they are in no condition to defend themselves.

Please to let Phoebe know that George is well and wishes to be remembered to her. He wishes her to send him a coverlet and to let her know that he has received the things which she sent him.

No more at present, but remain loving husband and brother,

ANGUS McAFEE.

GEORGE HUGHSON.

This it will be noticed was just two weeks after the United States had declared war, on June 18. As there were neither railroads nor telegraphs in those days and no regular mail service between Washington and Canada, it will be seen that our militia lost no time in getting to the frontier when news of war came.

4—Letter to Sergeant Angus McAfee, authorizing him to requisition cattle, etc., for military supplies. This is signed by Jno. Vincent, Brig. Gen., and by James Coffin, Asst Adj. Gen. It is dated June 10, 1813; just four days after the battle of Stony Creek, endorsed "Official Order," and "To Mr. Angus McAfee."



June 11th, 1813.

Sir—You are hereby authorized to put in requisition for the account of the army, all such cattle as you shall be able to discover, using the quickest means, and selecting such as may belong to persons having the greatest resources; in other respects, you will, as far as may be practicable, allow to each family a milch cow, and to every farmer one working team, and you will give receipt for those you take, apprising the owners that the payment at a liberal rate will be made at headquarters.

(Signed) JOHN VINCENT,  
Brigr. Genl.

JAMES COFFIN,  
Asst.-Adj.-Genl.

5—Pass for Angus McAfee from Montreal to Upper Canada, dated at Police Office, Montreal, 4th Feb., 1814.

6—Unfinished Pay List of Sergeants of 5th Lincoln Militia for period 25th Dec., 1812 to 24th May, 1813. This contains only the names of Sergeants George Hughson and Angus McAfee.

7—Letter to Sergeant McAfee, late 5th Lincoln Militia, from N. Coffin, Asst. Adj. Gen'l, and bearing date, York, May 3, 1819.

8—Letter from Angus McAfee "to the Colonel and other officers of the 5th Lincoln and 2nd York (now 1st and 2nd Gore) bearing date Oct. 14th, 1818."

9—Leaf from Orderly Book of 1st Regiment U. S. Infantry, orders dated at Fort Detroit in Sept. and Oct., 1809, and signed Jacob Kingsbury, Colonel Commanding.

This last is evidently part of the plunder taken by our valiant Sergeant at the capture of Detroit, Aug. 16, 1812.

The two Militia Rolls are without date, but the fact that they are keeping company with the other dated documents enumerated, and contain some of the same names, bears witness to the statement that they belong to the time of the war of 1812. In these rolls are the names of many who survived to draw the pensions granted by the Parliament of Canada nearly 60 years later. Among these were George Chisholm, John Aikman and Alexander Aikman, who all proved themselves to have been militia sergeants in 1812. There are still living sons of these three and of others whose names appear on the lists.

Mr. N. McAfee, in whose keeping these papers have been for more than half a century, believed that these lists were made out in 1812, and there appears to be no good ground for doubt in the matter.

In looking over authorized Lists of Militia Officers of a later date I find many of these men holding commissions, and note a few of them :

1st Gore—Capt. John Aikman, appointed April 5, 1823; Captain Alex. Aikman, appointed April 7, 1823.

2nd Gore—Colonel Wm. Chisholm, appointed May 3, 1830; Captain George Chisholm, appointed Sept. 14, 1820.

3rd Gore—Lieut.-Colonel Robert Land, appointed May 25, 1830; Capt. Joseph Burney, appointed April 2, 1820; Lieut. John Schneider, appointed May 29, 1830.

5th Gore—Lieut. Peter VanEvery, appointed Nov. 26, 1823.

3rd Lincoln—Capt. Samuel McAfee, appointed Nov. 30, 1820.

In conclusion let me say, that well pleased though we are to get these papers, they only whet our appetites for more. The volunteer company was for a special, short service, and the men returned to their old companies when they came back from that expedition. The other roll comprises but one company of the 5th Lincoln; where are the rolls of the men of the other companies? There were at least three companies in the battle of Queenston Heights. Who were the men composing the companies of Capt. Hatt and Capt. Applegarth? Both of these were at Queenston Heights as well as Capt. Durand's company. There is evidence that at Queenston were several companies of the 2nd York, which was recruited in this vicinity; we have no rolls. Who served in Capt. Geo. Chisholm's, Capt. Brown's, Capt. Wm. Chisholm's and the other companies of that corps? We hope these rolls may all yet be brought to light. Finally, what cause we have to be thankful that we are free from the miseries and losses entailed by war; may our country ever be kept from it; but if again an invader comes no doubt Canadian Militia will be ready and as willing as of yore to defend their fatherland.

# An Imperial Preference

As Recorded in Hamilton Nearly Sixty Years Ago.

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BY JUSTUS A. GRIFFIN.

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I do not propose to argue for or against, nor to formulate any theory about Imperial politics; but the time appears opportune to tell of an Imperial Tax and Imperial Preference as locally recorded in the year 1845.

In a bundle of old letters in possession of the Wentworth Historical Society is one from Mr. J. L. Schoolcraft, who was for thirty years Indian Agent at Sault Ste. Marie, Mich., and was the author of several important and well-known books regarding the Indians. This letter was addressed to Mrs. John O. Hatt, of this city and was dated Buffalo, N. Y., May 26, 1845.

Mr. Schoolcraft says that his wife had commissioned him to purchase, while in New York, a roll of matting for Mrs. Hatt, that he had done so. He bought 40 yards at 28 cents a yard. The package was sent in care of Gunn & Brown in Hamilton. It is a pleasant, chatty, and somewhat humorous letter, but the above contains all that is pertinent to my subject.

In a different hand and in a paler ink in the lower left-hand corner is a note to this effect:

Provincial Duty	.....	£0, 2, 10
Imperial Duty	.....	£0, 2, 6
		-----
		£0, 5, 4
Blank Entries	.....	2
		-----
		£0, 5, 6

Upon reading this I felt myself a discoverer and set about making enquiries amongst business and professional men whose memories carried them back to those days, but none of them re-



membered an Imperial duty. Not long after this discovery, our late President, Geo. H. Mills, Esq., gave me a file of the "Bee," a semi-weekly paper published in Hamilton during the first four months of the year 1845. Mr. Wm. Smith was editor and proprietor. In five numbers of the "Bee" appeared a column headed thus: "Duties on Imports into Canada," a sub-head read as follows: "The following table will be found of some service to our Canadian Merchants, being compiled from the Revenue Laws now in force."

The table, which is too lengthy to be read in full on this occasion, was in three columns, and I will give a few extracts from it, as well as an important note which is at the foot of the column, and which states the Imperial Preference:

ARTICLE	IMPERIAL	PROVINCIAL
Ammunition, Arms, etc., from foreign countries are prohibited.		
Ammunition, Arms, etc., from British Possessions .....	Free	5 p. c.
Articles not enumerated .....	1 p. c.	5 p. c.
Bacon and Hams.....	3s. per cwt.	4s. per cwt.
Books—reprint of British Copyright.	15 p. c.	5 p. c.
Books—all others prohibited.		

Evidently the Government had restricted views regarding the intellectual development of the people, or was disposed to give good protection to native publishing interests :

ARTICLE	IMPERIAL	PROVINCIAL
Butter .....	Free	3d. per cwt.
Carriages of Travellers .....	7 p. c.	5 p. c.
Cotton Manufactures.....	7 p. c.	5 p. c.
Gun Powder, Foreign .....	Free	5 p. c.
Gun Powder, British; prohibited.		
Leather Manufactures.....	7 p. c.	5 p. c.
Leather.....	4 p. c.	5 p. c.
Linen Manufactures.....	7 p. c.	5 p. c.
Paper.....	7 p. c.	5 p. c.
Sugar, refined.....	20 p. c.	2d. per lb.
Sugar, unrefined.....	10 p. c.	2d. per lb.

Note—Articles from foreign countries pay the rate opposite to them in both columns. Articles, the produce or manufacture of the United Kingdom, or of other British possessions, pay the Provisional duty only. Foreign, from the warehouses in the United Kingdom, pay three-fourths of the Imperial Duty and the Provincial Duty in full. British goods arriving in the Province from a foreign country are deemed foreign.

How long this double duty lasted and when it ceased I have not yet learned. The list above quoted was published in the "Bee" on Jan. 14, 17, 21, 24 and 28, 1845.

The above paper was read at the annual meeting of this Society, June 6, 1904, and on June 7 further information reached me, in the columns of the Mail and Empire, Toronto. The Imperial Parliament imposed the Imperial Tariff, but the money raised under it was devoted exclusively to the purposes of the colony. The last tariff of this kind framed by Great Britain for Canada was in 1842. In 1846 we were permitted to repeal or reduce Imperial duties upon our imports or exports. Ten years later complete control was conceded. While the Imperial tax was in force, up to 1846, the colonies enjoyed a preference in the British markets.















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